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LAW DEPARTMENT

THE INDIAN STAMP ACT, 1899

(CENTRAL ACT II OF 1899)

(As in force in the State of Madras modified up to the 1st January 1953)

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MADRAS

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LIST OF CENTRAL ACTS AND ADAPTATION ORDERS AMENDING THIS ACT.

1. The Indian Stamp (Amendment) Act, 1904 (15 of 1904).
2. The Indian Stamp (Amendment) Act, 1906 (5 of 1906).
3. The Indian Stamp (Amendment) Act, 1910 (6 of 1910).
4. The Indian Stamp (Amendment) Act, 1912 (1 of 1912).
5. The Decentralization Act, 1914 (4 of 1914).
6. The Repealing and Amending Act, 1914 (10 of 1914).
7. The Press Law Repeal and Amendment Act, 1922 (14 of 1922).
8. The Indian Stamp (Amendment) Act, 1923 (43 of 1923).
9. The Indian Stamp (Amendment) Act, 1925 (15 of 1925).
10. The Indian Bar Councils Act, 1926 (38 of 1926).
11. The Indian Finance Act, 1927 (5 of 1927).
12. The Repealing and Amending Act, 1927 (10 of 1927).
13. The Repealing and Amending Act, 1928 (18 of 1928).
14. The Amending Act, 1934 (35 of 1934).
15. The Repealing Act, 1938 (1 of 1938).
16. The Government of India (Adaptation of Indian Laws) Order, 1937.
17. The Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
18. The Adaptation of Laws Order, 1950.
19. The Mysore High Court (Extension of Jurisdiction to Coorg) Act, 1952 (72 of 1952).

LIST OF MADRAS ACTS AMENDING THIS ACT.

1. *The Madras Stamp (Amendment) Act*, 1922 (*Madras Act VI of* 1922).

(For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV, dated the 7th February 1922, page 41 and for Act, see *Fort St. George Gazette*, Part IV, dated the 25th April 1922, pages 65–82.)

2. *The Madras Stamp (Further Amendment) Act*, 1923 (*Madras Act VI of* 1923).

(For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV, dated the 9th January 1923, page 2 and for Act, see *Fort St. George Gazette*, Part IV, dated the 20th March 1923, page 103.)

3. *The Madras Stamp (Increase of Duties) Act*, 1943 (*Madras Act XVI of* 1943).

(For Act, see *Fort St. George Gazette* Extraordinary, Part IV-B, dated the 25th September 1943, pages 1–4. This Act was permanently re-enacted by the First Schedule to the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

4. *The Madras Stamp (Amendment) Act*, 1950 (*Madras Act VI of* 1950).

(For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV-A, dated the 14th March 1950, page 112 and for Act, see *Fort St. George Gazette*, Part IV-B, dated the 25th April 1950, page 75.)

5. *The Madras Stamp (Second Amendment) Act*, 1950 (*Madras Act XXV of* 1950).

(For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV-A, dated the 8th August 1950, page 352 and for Act, see *Fort St. George Gazette*, Part IV-B, dated the 31st October 1950, page 205.)

6. *The Madras Repealing and Amending Act*, 1951 (*Madras Act XIV of* 1951).

(For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV-A, dated the 1st August 1950, pages 333–338 and for Act, see *Fort St. George Gazette*, Part IV-B, dated he 22nd May 1951, pages 133–146.)

THE INDIAN STAMP ACT, 1899 (CENTRAL ACT II OF 1899).

(*As in force in the Estate of Madras.*)

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11 JUN 1954
MADRAS

THE INDIAN STAMP ACT, 1899

(CENTRAL ACT II OF 1899) [1]

(As in force in the State of Madras.)

[*27th January* 1899]

An Act to consolidate and amend the law relating to Stamps.

WHEREAS it is expedient to consolidate and amend the law relating to Stamps; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. *Short title, extent and commencement*—(1) This Act may be called the Indian Stamp Act, 1899.

[2] [(2) It extends to the whole of India except Part B States.]

(3) It shall come into force on the first day of July, 1899.

2. *Definitions.*—In this Act, unless there is something repugnant in the subject or context,—

(1) *Banker.*—" Banker " includes a bank and any person acting as a banker;

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[1] For Statement of Objects and Reasons, *see Gazette of India*, 1897, Part V, page 175; for Report of the Select Committee, *see ibid*, 1898, Part V, page 231; and for Proceedings in Council, *see ibid*, 1898, Part VI, pages 10 and 278; and *ibid*, 1899, Part VI, page 5.

The Act has been amended in its application to Madras by Madras Acts 6 of 1922, 6 of 1923, 16 of 1943, 6 of 1950, 25 of 1950 and 14 of 1951.

This Act has been declared to be in force in the Santhal Parganas by the Santhal Parganas Settlement Regulation (III of 1872), section 3; and in the Angul District by the Angul Laws Regulation, 1936 (V of 1936), section 3 and Schedule.

Under section 3 (*a*) of the Scheduled Districts Act, 1874 (XIV of 1874), the Act has been declared to be in force in the Scheduled Districts of Ganjam, Vizagapatam and East Godavary, *see* Notification No. 121, dated 25th April 1927, *Fort St. George Gazette*, 1927, Part I, page 684. It has also been extended under sections 5 and 5A of the same Act, with certain modifications; to the districts of the Khasi and Jaintia Hills, the Garo Hills, the Lushai Hills, and the Naga Hills and the North Kachar subdivision of the Kachar district, the Mikir Hill tracts in the Sibsagar and Nowgong districts and the Lakhimpur frontier tract, *see* Notification No. 1541-F (*a*), dated 10th April 1930, *Assam Gazette*, 1930, Part II, page 700.

Partially extended to Berar by the Berar Laws Act, 1941 (4 of 1941).

[2] Substituted by the Adaptation of Laws Order, 1950, for the former sub-section.

(*Chapter I.—Preliminary.*)

(2) *Bill of exchange.*—" Bill of exchange " means a bill of exchange as defined by the Negotiable Instruments Act, 1881 (XXVI of 1881), and includes also a hundi, and any other document entitling or purporting to entitle any person, whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money ;

(3) *Bill of exchange payable on demand.*—" Bill of exchange payable on demand " includes—

(*a*) an order for the payment of any sum of money by a bill of exchange or promissory note, or for the delivery of any bill of exchange or promissory note in satisfaction of any sum of money, or for the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen ;

(*b*) an order for the payment of any sum of money weekly, monthly or at any other stated periods ; and

(*c*) a letter of credit, that is to say, any instrument by which one person authorises another to give credit to the person in whose favour it is drawn ;

(4) *Bill of lading.*—" Bill of lading " includes a " through bill of lading," but does not include a mate's receipt ;

(5) *Bond.*—" Bond " includes—

(*a*) any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be ;

(*b*) any instrument attested by a witness and not payable to order or bearer, whereby a person obliges himself to pay money to another ; and

(*c*) any instrument so attested, whereby a person obliges himself to deliver grain or other agricultural produce to another ;

(6) *Chargeable.*—" Chargeable " means, as applied to an instrument executed or first executed after the commencement of this Act, chargeable under this Act, and, as applied to any other instrument, chargeable under the law in force in [1][the States] when such instrument was executed or, where several persons executed the instrument at different times, first executed ;

(7) *Cheque.*—" Cheque " means a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand ;

[2](8) * * * * * *

(9) *Collector.*—" Collector "—

(*a*) means, within the limits of the towns of Calcutta, Madras and Bombay, the Collector of Calcutta, Madras and Bombay, respectively, and, without those limits, the Collector of a district ; and

(*b*) includes a Deputy Commissioner and any officer whom [3][the [4](State Government)] may, by notification in the official Gazette, appoint in this behalf ;

(10) *Conveyance.*—" Conveyance " includes a conveyance on sale and every instrument by which property, whether movable or immovable, is

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[1] Substituted by the Adaptation of Laws Order, 1950, for " the Provinces. "

[2] Clause (8) was repealed by the Government of India (Adaptation of Indian Laws Order), 1937.

[3] Substituted by the Government of India (Adaptation of Indian Laws Order), 1937 for " the Local Government ".

[4] Substituted by the Adaptation of Laws Order, 1950, for " Collecting Government ".

(*Chapter I.—Preliminary.*)

transferred *inter vivos* and which is not otherwise specifically provided for by Schedule I, [1][or by Schedule 1-A as the case may be];

(11) *Duly stamped.*—" Duly stamped " as applied to an instrument means that the instrument bears an adhesive or impressed stamp of not less than the proper amount, and that such stamp has been affixed or used in accordance with the law for the time being in force in [the States];

(12) *Executed and execution.*—" Executed " and " execution ", used with reference to instruments, mean " signed " and " signature ";

[3] * * * * * *

(13) *Impressed stamp.*—" Impressed stamp " includes—

(*a*) labels affixed and impressed by the proper officer; and

(*b*) stamps embossed or engraved on stamped paper;

(14) *Instrument.*—" Instrument " includes every document by which any right, or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded;

(15) *Instrument of partition.*—" Instrument of partition " means any instrument whereby co-owners of any property divide or agree to divide such property in severalty, and includes also a final order for effecting a partition passed by any Revenue-authority or any Civil Court and an award by an arbitrator directing a partition;

(16) *Lease.*—" Lease " means a lease of immovable property, and includes also—

(*a*) a patta;

(*b*) a kabuliyat or other undertaking in writing, not being a counterpart of a lease to cultivate, occupy or pay or deliver rent for, immovable property;

(*c*) any instrument by which tolls of any description are let;

(*d*) any writing on an application for a lease intended to signify that the application is granted;

(16A) *Marketable security.*—" Marketable security " means a security of such a description as to be capable of being sold in any stock market in [2] [the States] or in the United Kingdom;

(17) *Mortgage-deed.*—" Mortgage-deed " includes every instrument whereby, for the purpose of securing money advanced, or to be advanced, by way of loan, or an existing or future debt, or the performance of an engagement, one person transfers, or creates, to, or in favour of, another, a right over or in respect of specified property;

(18) *Paper.*—" Paper " includes vellum, parchment or any other material on which an instrument may be written:

(19) *Policy of insurance.*—" Policy of insurance " includes—

(*a*) any instrument by which one person, in consideration of a premium engages to indemnify another against loss, damage or liability arising from an unknown or contingent event;

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[1] Added by section 3 of the Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922).

[2] Substituted by the Adaptation Laws Order, 1950, for " the Provinces ".

[3] Clause (12A) was repealed by the Adaptation of Laws Order, 1950.

(*Chapter I.—Preliminary.*)

(*b*) a life-policy and policy insuring any person against accident or sickness, and any other personal insurance ;

[1] * * * *

(20) *Policy of sea-insurance or sea-policy.*—" Policy of sea-insurance " or " sea-policy "—

(*a*) means any insurance made upon any ship or vessel (whether for marine or inland navigation) or upon the machinery, tackle or furniture of any ship or vessel, or upon any goods, merchandise or property of any description whatever on board of any ship or vessel, or upon the freight of or any other interest which may be lawfully insured in, or relating to, any ship or vessel ; and

(*b*) includes any insurance of goods, merchandise or property for any transit which includes, not only a sea risk within the meaning of clause (*a*), but also any other risk incidental to the transit insured from the commencement of the transit to the ultimate destination covered by the insurance ;

Where any person, in consideration of any sum of money paid or to be paid for additional freight or otherwise agrees to take upon himself any risk attending goods, merchandise or property of any description whatever while on board of any ship or vessel, or engages to indemnify the owner of any such goods, merchandise or property from any risk, loss or damage, such agreement or engagement shall be deemed to be a contract for sea-insurance ;

(21) *Power-of-attorney.*—" Power-of-attorney " includes any instrument (not chargeable with a fee under the law relating to court-fees for the time being in force) empowering a specified person to act for and in the name of the person executing it ;

(22) *Promissory note.*—" Promissory note " means a promissory note as defined by the Negotiable Instruments Act, 1881 (XXVI of 1881) ;

It also includes a note promising the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen ;

(23) *Receipt.*—" Receipt " includes any note, memorandum or writing :—

(*a*) whereby any money or any bill of exchange, cheque or promissory note is acknowledged to have been received, or

(*b*) whereby any other movable property is acknowledged to have been received in satisfaction of a debt, or

(*c*) whereby any debt or demand, or any part of a debt or demand, is acknowledged to have been satisfied or discharged, or

(*d*) which signifies or imports any such acknowledgment,

and whether the same is or is not signed with the name of any person ; [2] *

(24) *Settlement.*—" Settlement " means by non-testamentary disposition, in writing of movable or immovable property made—

(*a*) in consideration of marriage,

(*b*) for the purpose of distributing property of the settler among his family or those for whom he desires to provide, or for the purpose of providing for some person dependent on him, or

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[1] Sub-clause (c) and the word " and " prefixed thereto were repealed by section 2 of Act V of 1906.

(*c*) for any religious or charitable purpose;
and includes an agreement in writing to make such a disposition [1][and where any such disposition has not been made in writing, any instrument recording, whether by way of declaration of trust or otherwise, the terms of any such disposition]; [2] *

[3](25) *Soldier.*—"Soldier" includes any person below the rank of non-commissioned officer who is enrolled under the Indian Army Act, 1911 (VIII of 1911);]

[4][(26) "States" means all the territories for the time being comprised within Part A Sates and Part C States.]

CHAPTER II.

STAMP-DUTIES.

A.—Of the Liability of Instruments to Duty.

3. *Instruments chargeable with duty.*—Subject to the provisions of this Act and the exemptions contained in Schedule I, the following instruments shall be chargeable with duty of the amount indicated in that Schedule as the proper duty therefor, respectively, that is to say—

(*a*) every instrument mentioned in that Schedule which, not having been previously executed by any person, is executed in [5][the States] on or after the first day of July, 1899;

(*b*) every bill of exchange [6][payable otherwise than on demand] [7]* or promissory note drawn or made out of [the States] on or after that day and accepted or paid, or presented for acceptance or payment, or endorsed, transferred or otherwise negotiated, in [the States]; and

(*c*) every instrument (other than a bill of exchange, [7] * or promissory note) mentioned in that Schedule, which, not having been previously executed by any person, is executed out of [the States] on or after that day, relates to any property situate, or to any matter or thing done or to be done, in [5][the States] and is received in [5][the States].

[8][Provided that, except as otherwise expressly provided in this Act, and notwithstanding anything contained in clause (*a*) or (*c*) of this section or in Schedule 1, the amount indicated in Schedule 1-A shall, subject to the exceptions contained in that Schedule, be the duty chargeable on the following instruments:—

(*aa*) every instrument, mentioned in Schedule 1-A as chargeable with duty under that schedule, which, not having been previously executed by, any person, is executed in the Presidency of Madras on or after the first day of April 1922;

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[1] Inserted by section 2 of Act 15 of 1904.
[2] The word "and" was omitted by the Adaptation of Laws Order, 1950.
[3] Inserted by section 2 and Schedule I of Act 18 of 1928.
[4] Inserted by the Adaptation of Laws Order, 1950.
[5] Substituted by the Adaptation of Laws Order, 1950 for "the Provinces."
[6] Inserted by section 5 of Act 5 of 1927.
[7] The word "cheque" was omitted, by *ibid.*
[8] Inserted by section 4 (1) of the Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922).

(*Chapter II.—Stamp-duties.*)

(*bb*) every instrument mentioned in Schedule I-A as chargeable with duty under that Schedule, which, not having been previously executed by any person, is executed out of the Presidency of Madras on or after the first day of April 1922 and relates to any property situated or to any matter or thing done or to be done in the said Presidency and is received in the said Presidency]:

Provided [1][also] that no duty shall be chargeable in respect of—

(1) any instrument executed by, or on behalf of, or in favour of, the [2][Government] in cases where, but for this exemption, the [Government] would be liable to pay the duty chargeable in respect of such instrument ;

(2) any instrument for the sale, transfer or other disposition, either absolutely or by way of mortgage or otherwise, of any ship or vessel, or any part, interest, share or property of or in any ship or vessel registered under the Merchant Shipping Act, 1894 (57 and 58 Vict., c. 60), or under Act XIX of 1838, or the Indian Registration of Ships Act, 1841 (X of 1841), as amended by subsequent Acts.

4. *Several Instruments used in single transaction of sale, mortgage or settlement.*—(1) Where, in the case of any sale, mortgage or settlement, several instruments are employed for completing the transaction, the principal instrument only shall be chargeable with the duty prescribed in Schedule I, [3][or in Schedule I-A as the case may be] for the conveyance, mortgage or settlement, and each of the other instruments shall be chargeable with a duty of one rupee [4][or [6](one rupee eight annas)] instead of the duty (if any) prescribed for it [5][in Schedule I or in Schedule I-A as the case may be].

(2) The parties may determine for themselves which of the instruments so employed shall, for the purposes of sub-section (1), be deemed to be the principal instrument :

Provided that the duty chargeable on the instrument so determined shall be the highest duty which would be chargeable in respect of any of the said instruments employed.

5. *Instruments relating to several distinct matters.*—Any instrument comprising or relating to several distinct matters shall be chargeable with the aggregate amount of the duties with which separate instruments, each comprising or relating to one of such matters, would be chargeable under this Act.

6. *Instruments coming within several descriptions in Schedule I* [7][*or in Schedule I-A as the case may be*].—Subject to the provisions of the last preceding section, an instrument so framed as to come within two or more of the descriptions in Schedule I, [7][or in Schedule I-A as the case may be] shall, where the duties chargeable thereunder are different, be chargeable only with the highest of such duties :

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[1] Inserted by section 4 (2) of the Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922).

[2] Substituted by the Adaptation of Laws Order, 1950, for "Crown".

[3] Inserted by section 5 (*a*) of the Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922).

[4] Inserted by section 5 (*b*), *ibid.*

[5] Inserted by section 5 (*c*), *ibid.*

[6] During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), the Indian Stamp Act, 1899, (Central Act II of 1899) shall have effect as if for the words "one rupee eight annas", the words "three rupees" had been substituted—*Vide* section 4 (*a*) of Madras Act XVI of 1943.

[7] Inserted by section 6 of the Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922).

Provided that nothing in this Act contained shall render chargeable with duty exceeding one rupee [1][or (one rupee eight annas) as the case may be] a counterpart or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid.

7. *Policies of sea-insurance.*—(1) No contract for sea-insurance (other than such insurance as is referred to in section 506 of the Merchant Shipping Act, 1894 (57 and 58 Vict., c. 60), shall be valid unless the same is expressed in a sea policy.

(2) No sea-policy made for time shall be made for any time exceeding twelve months.

(3) No sea-policy shall be valid unless it specifies the particular risk or adventure, or the time, for which it is made, the names of the subscribers or under-writers, and the amount or amounts insured.

(4) Where any sea-insurance is made for or upon a voyage and also for time, or to extend to or cover any time beyond thirty days after the ship shall have arrived at her destination and been there moored at anchor, the policy shall be charged with duty as a policy for or upon a voyage, and also with duty as a policy for time.

8. *Bonds, debentures or other securities issued on loans under Act XI of* 1879.—(1) Notwithstanding anything in this Act, any local authority raising a loan under the provisions of the Local Authorities Loan Act, 1879 (XI of 1879), or of any other law for the time being in force, by the issue of bonds, debentures or other securities, shall, in respect of such loan, be chargeable with a duty of [3][one per centum] on the total amount of the bonds, debentures or other securities issued by it, and such bonds, debentures or other securities need not be stamped, and shall not be chargeable with any further duty on renewal, consolidation, subdivision or otherwise.

(2) The provisions of sub-section (1) exempting certain bonds, debentures or other securities from being stamped and from being chargeable with certain further duty shall apply to the bonds, debentures or other securities of all outstanding loans of the kind mentioned therein, and all such bonds, debentures or other securities shall be valid whether the same are stamped or not :

Provided that nothing herein contained shall exempt the local authority which has issued such bonds, debentures or other securities from the duty chargeable in respect thereof prior to the twenty-sixth day of March 1897, when such duty has not already been paid or remitted by order issued by the [4][Central Government].

(3) In the case of wilful neglect to pay the duty required by this section, the local authority shall be liable to forfeit to the Government a sum equal to ten per centum upon the amount of duty payable, and a like penalty for every month after the first month during which the neglect continues.

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[1] Inserted by section 6 of the Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922).

[2] During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if for the words " one rupee eight annas ", the words " three rupees " had been substituted —Vide section 4 (*a*) of the Madras Act XVI of 1943.

[3] Substituted by section 2 of Act 6 of 1910, for " eight annas per centum."

[4] Substituted by the Government of India (Adaptation of India Laws) Order, 1937, for " Governor-General in Council."

(*Chapter II.—Stamp-duties.*)

9. *Power to reduce, remit or compound duties.*—[1][(1)] [2][The [3]*Government] may, by rule or order published in [4][Official Gazette],—

(*a*) reduce or remit, whether prospectively or retrospectively, in the whole or any part of [5][the territories under its administration], the duties with which any instruments or any particular class of instruments, or any of the instruments belonging to such class, or any instruments when executed by or in favour of any particular class of persons, or by or in favour of any members of such class, are chargeable, and

(*b*) provide for the composition or consolidation of duties in the case of issues by any incorporated company or other body corporate of debentures, bonds or other marketable securities.

[6][(2) In this section the expression " the Government " means,—

(*a*) in relation to stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts, and in relation to any other stamp duty chargeable under this Act and following within entry 96 in List I in the Seventh Schedule to the Constitution, the Central Government ;

(*b*) save as aforesaid, the State Government.]

B.—Of Stamps and the mode of using them.

10. *Duties how to be paid.*—(1) Except as otherwise expressly provided in this Act, all duties with which any instruments are chargeable shall be paid, and such payment shall be indicated on such instruments, by means of stamps—

(*a*) according to the provisions herein contained ; or,

(*b*) when no such provision is applicable thereto—as the [7][State Government] may by rule direct.

(2) The rules made under sub-section (1) may, among other matters, regulate,—

(*a*) in the case of each kind of instruments—the description of stamps which may be used ;

(*b*) in the case of instruments stamped with impressed stamps—the number of stamps which may be used ;

(*c*) in the case of bills of exchange or promissory-notes written in any Oriental language—the size of the paper on which they are written.

11. *Use of adhesive stamps.*—The following instruments may be stamped with adhesive stamps, namely :—

(*a*) instruments chargeable with the duty of [8][one anna] [9][or half an anna], except parts of bills of exchange payable otherwise than on demand and drawn in sets ;

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[1] Section 9 was re-numbered as sub-section (1) of that section by the Adaptation of Laws Order, 1950.

[2] Substituted by the Government of India (Adaptation of Indian Laws) Order, 1937, for " the Governor-General-in-Council ".

[3] The word " collecting " was omitted by the Adaptation of Laws Order, 1950.

[4] Substituted by the Government of India (Adaptation of Indian Laws) Order, 1937, for " Gazette of India ".

[5] Substituted by *ibid* for " British India ".

[6] Inserted by the Adaptation of Laws Order, 1950.

[7] Substituted by *ibid* for " collecting Government ".

[8] During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if before the words " one anna " the words " one and a half annas " had been inserted—Vide section 4 (*b*) of the Madras Act XVI of 1943.

[9] Inserted by section 3 of Act V of 1906.

(*Chapter II.—Stamp-duties.*)

(*b*) bills of exchange, [1]* and promissory notes drawn or made out of [2][the States];

(*c*) entry as an advocate, vakil or attorney on the roll of a High Court;

(*d*) notarial acts; and

(*e*) transfers by endorsement of shares in any incorporated company or other body corporate.

12. *Cancellation of adhesive stamps.*—(1) (*a*) Whoever affixes any adhesive stamp to any instrument chargeable with duty which has been executed by any person shall, when affixing such stamp, cancel the same so that it cannot be used again; and

(*b*) whoever executes any instrument on any paper bearing an adhesive stamp shall, at the time of execution, unless such stamp has been already cancelled in manner aforesaid, cancel the same so that it cannot be used again.

(2) Any instrument bearing an adhesive stamp which has not been cancelled so that it cannot be used again, shall, so far as such stamp is concerned, be deemed to be unstamped.

(3) The person required by sub-section (1) to cancel an adhesive stamp may cancel it by writing on or across the stamp his name or initials or the name or initials of his firm with the true date of his so writing, or in any other effectual manner.

13. *Instrument stamped with impressed stamps how to be written.*—Every instrument written upon paper stamped with an impressed stamp shall be written in such manner that the stamp may appear on the face of the instrument and cannot be used for or applied to any other instrument.

14. *Only one instrument to be on same stamp.*—No second instrument chargeable with duty shall be written upon a piece of stamped paper upon which an instrument chargeable with duty has already been written:

Provided that nothing in this section shall prevent any endorsement which is duly stamped or is not chargeable with duty being made upon any instrument for the purpose of transferring any right created or evidence thereby, or of acknowledging the receipt of any money or goods the payment of delivery of which is secured thereby.

15. *Instrument written contrary to section* 13 *or* 14 *deemed unstamped.*—Every instrument written in contravention of section 13 or section 14 shall be deemed to be unstamped.

16. *Denoting duty.*—Where the duty with which an instrument is chargeable, or its exemption from duty, depends in any manner upon the duty actually paid in respect of another instrument, the payment of such last mentioned duty shall, if application is made in writing to the Collector for that purpose, and on production of both the instruments, be denoted upon such first-mentioned instrument, by endorsement under the hand of the Collector or in such other manner (if any) as the [State Government] may by rule prescribe.

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[1] The word "cheques" was omitted by section 5 of Act V of 1927.

[2] Substituted by the Adaptation of Laws Order, 1950, for "the Provinces."

[3] Substituted by *ibid* for "collecting Government."

(*Chapter II.—Stamp-duties.*)

C.—Of the time of stamping Instruments.

17. *Instruments executed in the States.*—All instruments chargeable with duty and executed by any person in [1][the States] shall be stamped before or at the time of execution.

18. *Instruments other than Bills and notes executed out of the States.*—(1) Every instrument chargeable with duty executed only out of [1][the States], and not being a bill of exchange [2]* or promissory note, may be stamped within three months after it has been first received in [1][the States].

(2) Where any such instrument cannot, with reference to the description of stamp prescribed thereof, be duly stamped by a private person, it may be taken within the said period of three months to the Collector, who shall stamp the same, in such manner as the [3][State Government] may by rule prescribe, with a stamp of such value as the person so taking such instrument may require and pay for.

19. *Bills and notes drawn out of the States.*—The first holder in [1][the States] of any bill of exchange [4][payable otherwise than on demand], [2]* or promissory note drawn or made out of [1][the States] shall, before he presents the same for acceptance or payment, or endorses transfers or otherwise negotiates the same in [1][the States], affix thereto the proper stamp and cancel the same :

Provided that—

(*a*) if, at the time any such bill of exchange, [2]* or note comes into the hands of any holder thereof in [1][the States], the proper adhesive stamp is affixed thereto and cancelled in manner prescribed by section 12, and such holder has no reason to believe that such stamp was affixed or cancelled otherwise than by the person at the time required by this Act, such stamp shall, so far as relates to such holder, be deemed to have been duly affixed and cancelled ;

(*b*) nothing contained in this proviso shall relieve any person from any penalty incurred by him for omitting to affix or cancel a stamp.

[5][19-A. *Payment of duties on certain instruments liable to increase duty under clause (bb) of section* 3.—Where any instrument has become chargeable in [any Part A State or Part C State] other than the Presidency of Madras with duty under the stamp law in force in the State concerned and thereafter becomes chargeable with a higher rate of duty in the said Presidency under clause (*bb*) of the first proviso to section 3—

(i) notwithstanding anything contained in the first proviso to section 3, the amount of duty chargeable on such instrument shall be the amount chargeable on it under Schedule I-A less the amount of duty, if any, already paid on it in the State concerned,

(ii) in addition to the stamps, if any, already affixed thereto, such instrument shall be stamped with the stamps necessary for the payment of the amount of duty chargeable on it under clause (i) in the same manner and at the same time and by the same persons as though such instrument were [an instrument

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[1] Substituted by the Adaptation of Laws Order, 1950, for "the Provinces".
[2] The word "cheque" was omitted by section 5 of Act V of 1927.
[3] Substituted by the Adaptation of Laws Order, 1950, for "collecting Government."
[4] Inserted by section 5 of Act V of 1927.
[5] Inserted by section 7 of the Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922).

received in any State other than a Part B State for the first time at the time when it became chargeable with the higher duty, and

(iii) the provisions contained in clause (*b*) or clause (*c*), as the case may be of the proviso to sub-section (3) of section 32 shall, with the necessary modifications, apply to such instrument, but the provisions contained in clause (*a*) of the said proviso shall not apply thereto.]

D.—Of valuations for Duty.

20. *Conversion of amount expressed in foreign currencies.*—(1) Where an instrument is chargeable with *ad valorem* duty in respect of any money expressed in any currency other than that of [1][the States] such duty shall be calculated on the value of such money in the currency of [1][the States] according to the current rate of exchange on the day of the date of the instrument.

(2) The [2][Central Government] may, from time to time, by notification in the [3][official Gazette] prescribe a rate of exchange for the conversion of British or any foreign currency into the currency of [1][the States] for the purposes of calculating stamp-duty, and such rate shall be deemed to be the current rate for the purposes of sub-section (1).

21. *Stock and marketable securities how to be valued.*—Where an instrument is chargeable with *ad valorem* duty in respect of any stock or of any marketable or other security, such duty shall be calculated on the value of such stock or security according to the average price or the value thereof on the day of the date of the instrument.

22. *Effect of statement of rate of exchange or average price.*—Where an instrument contains a statement of current rate of exchange, or average price, as the case may require, and is stamped in accordance with such statement, it shall, so far as regards the subject matter of such statement, be presumed, until the contrary is proved, to be duly stamped.

23. *Instruments reserving interest.*—Where interest is expressly made payable by the terms of an instrument, such instrument shall not be chargeable with duty higher than that with which it would have been chargeable had no mention of interest been made therein.

[4][23-A. *Certain instruments connected with mortgages of marketable securities to be chargeable as agreements.*—(1) Where an instrument (not being a promissory note or bill of exchange)—

(*a*) is given upon the occasion of the deposit of any marketable security by way of security for money advanced or to be advanced by way of loan, or for an existing or future debt, or

(*b*) makes redeemable or qualifies a duly stamped transfer, intended as a security, of any marketable security,

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[1] Substituted by the Adaptation of Laws Order, 1950, for the "Provinces"
[2] Substituted by the Adaptation Order of 1937, for "G.G. in C."
[3] Substituted by *ibid* for "Gazette of India."
[4] Inserted by section 3 of Act 15 of 1904.

(*Chapter II.—Stamp-duties.*)

it shall be chargeable with duty as if it were an agreement or memorandum of an agreement chargeable with duty under [1][Article No. 5 (c)] of Schedule I [2][or Article No. 4 (c) of Schedule I-A as the case may be].

(2) A release or discharge of any such instrument shall only be chargeable with like duty.]

24. *How transfer in consideration of debt, or subject to future payment, etc., to be charged.*—Where any property is transferred to any person in consideration, wholly or in part, of any debt due to him, or subject either certainly or contingently to the payment or transfer of any money or stock, whether being or constituting a charge or incumbrance upon the property or not, such debt, money or stock is to be deemed the whole or part, as the case may be, of the consideration in respect whereof the transfer is chargeable with *ad valorem* duty:

Provided that nothing in this section shall apply to any such certificate of sale as is mentioned in Article No. 18 of Schedule I [3][or Article 16 of Schedule I-A as the case may be].

Explanation.—In the case of a sale of property subject to a mortgage or other incumbrance, any unpaid mortgage-money or money charged, together with the interest (if any) due on the same, shall be deemed to be part of the consideration for the sale:

Provided that, where property subject to a mortgage is transferred to the mortgagee, he shall be entitled to deduct from the duty payable on the transfer the amonut of any duty already paid in respect of the mortgage.

Illustrations.

(1) A owes B Rs. 1,000. A sells a property to B, the consideration being Rs. 500 and the release of the previous debt of Rs. 1,000. Stamp-duty is payable on Rs. 1,500.

(2) A sells a property to B for Rs. 500 which is subject to a mortgage to C for Rs. 1,000 and unpaid interest Rs. 200. Stamp-duty is payable on Rs. 1,700.

(3) A mortgages a house of the value of Rs. 10,000 to B for Rs. 5,000. B afterwards buys the house from A. Stamp-duty is payable on Rs. 10,000 less the amount of stamp-duty already paid for the mortgage.

25. *Valuation in case of annuity, etc.*—Where an instrument is executed to secure the payment of an annuity or other sum payable periodically, or where the consideration for a conveyance is an annuity or other sum payable periodically, the amount secured by such instrument or the consideration for such conveyance, as the case may be, shall, for the purposes of this Act, be deemed to be—

(*a*) where the sum is payable for a definite period so that the total amount to be paid can be previously ascertained—such total amount;

(*b*) where the sum is payable in perpetuity or for an indefinite time not terminable with any life in being at the date of such instrument or conveyance—the total amount which, according to the terms of such instrument or conveyance, will or may be payable during the period of twenty years calculated from the date on which the first payment becomes due; and

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[1] Substituted by section 3 of Act I of 1912 for "Article No. 5 (*b*)".
[2] Inserted by section 8 of the Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922).
[3] Inserted by section 9 *ibid.*

(*c*) where the sum is payable for an indefinite time terminable with any life in being at the date of such instrument or conveyance—the maximum amount which will or may be payable as aforesaid during the period of twelve years calculated from the date on which the first payment becomes due.

26. *Stamp where value of subject-matter is indeterminate.*—Where the amount or value of the subject-matter of any instrument chargeable with *ad valorem* duty cannot be, or (in the case of an instrument executed before the commencement of this Act) could not have been, ascertained at the date of its execution or first execution, nothing shall be claimable under such instrument more than the highest amount or value for which, if stated in an instrument of the same description, the stamp actually used would, at the date of such execution, have been sufficient :

[1] [Provided that, in the case of the lease of a mine in which royalty or a share of the produce is received as the rent or part of the rent, it shall be sufficient to have estimated such royalty or the value of such share, for the purpose of stamp-duty,—

(*a*) when the lease has been granted by or on behalf of [2] [the Government], at such amount or value as the Collector may, having regard to all the circumstances of the case, have estimated as likely to be payable by way of royalty or share to [the Government] under the lease ; or

(*b*) when the lease has been granted by any other person, at twenty thousand rupees a year ;

and the whole amount of such royalty or share, whatever it may be, shall be claimable under such lease :]

Provided also that, where proceedings have been taken in respect of an instrument under section 31 or 41, the amount certified by the Collector shall be deemed to be the stamp actually used at the date of execution.

27. *Facts affecting duty to be set for the instrument.*—The consideration (if any) and all other facts and circumstances affecting the chargeability of any instrument with duty, or the amount of the duty with which it is chargeable, shall be fully and truly set forth therein.

28. *Direction as to duty in case of certain conveyances.*—(1) Where any property has been contracted to be sold for one consideration for the whole, and is conveyed to the purchaser in separate parts by different instruments, the consideration shall be apportioned in such manner as the parties think fit, provided that a distinct consideration for each separate part is set forth in the conveyance relating thereto, and such conveyance shall be chargeable with *ad valorem* duty in respect of such distinct consideration.

(2) Where property contracted to be purchased for one consideration for the whole, by two or more persons jointly, or by any person for himself and others, or wholly for others, is conveyed in parts by separate instruments to the persons by or for whom the same was purchased, for distinct parts of the consideration the conveyance of each separate part shall be chargeable with *ad valorem* duty in respect of the distinct part of the consideration therein specified.

(3) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof contracts to sell the same to any other person and the property is in consequence conveyed immediately

[1] Substituted by section 4 of Act 15 of 1904, for the former proviso.
[2] Substituted by the Adaptation of Laws Order, 1950, for " the Crown."

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to the sub-purchaser, the conveyance shall be chargeable with *ad valorem* duty in respect of the consideration for the sale by the original purchaser to the sub-purchaser.

(4) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the whole, or any part thereof, to any other person or persons, and the property is in consequence conveyed by the original seller to different persons in parts, the conveyance of each part sold to a sub-purchaser shall be chargeable with *ad valorem* duty in respect only of the consideration paid by such sub-purchaser, without regard to the amount or value of the original consideration; and the conveyance of the residue (if any) of such property to the original purchaser shall be chargeable with *ad valorem* duty in respect only of the excess of the original consideration over the aggregate of the considerations paid by the sub-purchasers:

Provided that the duty on such last-mentioned conveyance shall in no case be less than one rupee.

(5) Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him, which is chargeable with *ad valorem* duty in respect of the consideration paid by him and is duly stamped accordingly any conveyance to be afterwards made to him of the same property by the original seller shall be chargeable with a duty equal to that which would be chargeable on a conveyance for the consideration obtained by such original seller, or, where such duty would exceed five rupees, with a duty of five rupees.

E.—Duty by whom payable.

29. *Duties by whom payable.*—In the absence of an agreement to the contrary the expense of providing the proper stamp shall be borne,—

(*a*) in the case of any instrument described in any of the following articles of Schedule I [1] [or the corresponding articles of Schedule I-A as the case may be], namely:—

No. 2 (Administration Bond),

[2] [No. 6 (Agreement relating to Deposit of title-deeds, Pawn or Pledge),]

No. 13 (Bill of exchange),

No. 15 (Bond),

No. 16 (Bottomry Bond),

No. 26 (Customs Bond),

No. 27 (Debenture),

No. 32 (Further charge),

No. 34 (Indemnity-bond),

No. 40 (Mortgage-deed),

No. 49 (Promissory-note),

No. 55 (Release),

No. 56 (Respondentia Bond),

No. 57 (Security-bond or Mortgage-deed),

No. 58 (Settlement),

No. 62 (*a*) (Transfer of shares, in an incorporated company or other body corporate),

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[1] Inserted by section 10 of the Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922).

[2] Substituted by section 5 of Act 15 of 1904, for "No. 6 (Agreement to mortgage)."

No. 62 (*b*) (Transfer of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8),

No. 62 (*c*) (Transfer of any interest secured by a bond, mortgage-deed or policy of insurance),—

by the person drawing, making or executing such instrument ;

[1][(*b*) in the case of a policy of insurance other than fire-insurance—by the person effecting the insurance :

(*bb*) in the case of a policy of fire-insurance—by the person issuing the policy :]

(*c*) in the case of a conveyance (including a re-conveyance of mortgage property)—by the grantee : in the case of a lease or agreement to lease—by the lessee or intended lessee :

(*d*) in the case of a counterpart of a lease—by the lessor :

(*e*) in the case of an instrument of exchange—by the parties in equal shares :

(*f*) in the case of a certificate of sale—by the purchaser of the property to which such certificate relates : and

(*g*) in the case of an instrument of partition—by the parties there to in proportion to their respective shares in the whole property partitioned or when the partition is made in execution of an order passed by a Revenue-authority or Civil Court or arbitrator, in such proportion as such authority, Court or arbitrator directs.

30. *Obligation to give receipt in certain cases.*—Any person receiving any money exceeding twenty rupees in amount, or any bill of exchange, cheque or promissory note for an amount exceeding twenty rupees, or receiving in satisfaction or part satisfaction of a debt any moveable property exceeding twenty rupees in value, shall, on demand by the person paying or delivering such money, bill, cheque, note or property, give a duly stamped receipt for the same.

[2][Any person receiving or taking credit for any premium or consideration for any renewal of any contract of fire-insurance, shall, within one month after receiving or taking credit for such premium or consideration, give a duly stamped receipt for the same.]

CHAPTER III.

Adjudication as to Stamps.

31. *Adjudication as to proper stamp.*—(1) When any instrument whether executed or not and whether previously stamped or not, is brought to the Collector, and the person bringing it applies to have the opinion of that officer as to the duty (if any) with which it is chargeable, and pays a fee of such amount (not exceeding five rupees and not less than eight annas) as the Collector may in each case direct, the Collector shall determine the duty (if any) with which, in his judgment, the instrument is chargeable.

(2) For this purpose the Collector may require to be furnished with an abstract of the instrument, and also with such affidavit or other evidence

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[1] Substituted by section 4 of Act 5 of 1906, for the orginal clause (*b*).

[1] Inserted by section 5 of Act 5 of 1906.

as he may deem necessary to prove that all the facts and circumstances affecting the chargeability of the instrument with duty, or the amount of the duty with which it is chargeable, are fully and truly set forth therein, and may refuse to proceed upon any such application until such abstract and evidence have been furnished accordingly :

Provided that—

(*a*) no evidence furnished in pursuance of this section shall be used against any person in any civil proceeding, except in an inquiry as to the duty with which the instrument to which it relates is chargeable ; and

(*b*) every person by whom any such evidence is furnished shall, on payment of the full duty with which the instrument to which it relates is chargeable, be relieved from any penalty which he may have incurred under this Act by reason of the omission to state truly in such instrument any of the facts or circumstances aforesaid.

32. *Certificate by Collector.*—(1) When an instrument brought to the Collector under section 31 is, in his opinion, one of a description chargeable with duty, and—

(*a*) the Collector determines that it is already fully stamped, or

(*b*) the duty determined by the Collector under section 31, or such a sum as, with the duty already paid in respect of the instrument, is equal to the duty so determined, has been paid,

the Collector shall certify by endorsement on such instrument that the full duty (stating the amount) with which it is chargeable has been paid.

(2) When such instrument is, in his opinion, not chargeable with duty, the Collector shall certify in manner aforesaid that such instrument is not so chargeable.

(3) Any instrument upon which an endorsement has been made under this section, shall be deemed to be duly stamped or not chargeable with duty, as the case may be ; and, if chargeable with duty, shall be receivable in evidence or otherwise, and may be acted upon and registered as if it had been originally duly stamped :

Provided that nothing in this section shall authorise the Collector to endorse—

(*a*) any instrument executed or first executed in [1] [the States] and brought to him after the expiration of one month from the date of its execution or first execution, as the case may be ;

(*b*) any instrument executed or first executed out of [1][the States] and brought to him after the expiration of three months after it has been first received in [1] [the States] ; or

(*c*) any instrument chargeable with the duty of [2] [one anna] [3] [or half an anna] [4] [or a mortgage of crop] [article 34 (*a*) of Schedule I-A] chargeable

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[1] Substituted by the Adaptation Order, 1950, for " the Provinces."

[2] During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if before the words " one anna ", the words " one and a half annas " had been inserted—Vide section 4 (c) of the Madras Act XVI of 1943.

[3] Inserted by section 3 of Act 5 of 1906.

[4] Inserted by section 11 of the Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922).

under clauses (*aa*) or (*bb*) of section 3 with a duty of [1] (two annas)] or any bill of exchange or promissory note, when brought to him, after the drawing or execution thereof, on paper not duly stamped.

CHAPTER IV.

INSTRUMENTS NOT DULY STAMPED.

33. *Examination and impounding of instruments.*—(1) Every person having by law or consent of parties authority to receive evidence, and every person in charge of a public office except an officer of police, before whom any instrument, chargeable in his opinion, with duty, is produced or comes in the performance of his functions, shall, if it appears to him that such instrument is not duly stamped, impound the same.

(2) For that purpose every such person shall examine every instrument so chargeable and so produced or coming before him in order to ascertain whether it is stamped with a stamp of the value and description required by the law in force in [2] [the States] when such instrument was executed or first executed :

Provided that—

(*a*) nothing herein contained shall be deemed to require any Magistrate or Judge of a Criminal Court to examine or impound, if he does not think fit so to do, any instrument coming before him in the course of any proceeding other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898 (V of 1898) ;

(*b*) in the case of Judge of a High Court, the duty of examining and impounding any instrument under this section may be delegated to such officer as the Court appoints in this behalf.

(3) For the purpose of this section, in cases of doubt,—

(*a*) [3] [the State Government] may determine what offices shall be deemed to be public offices ; and

(*b*) [3] [the State Government] may determine who shall be deemed to be persons in charge of public offices.

34. *Special provision as to unstamped receipts.*—Where any receipt chargeable with a duty of one anna is tendered to or produced before any officer unstamped in the course of the audit of any public account such officer may, in his discretion, instead of impounding the instrument, require a duly stamped receipt to be substituted therefor.

35. *Instruments not duly stamped inadmissible in evidence, etc.*—No instrument chargeable with duty shall be admitted in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall be acted upon, registered or authenticated by any such person or by any public officer, unless such instrument is duly stamped :

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[1] During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if for the words "two annas" the words "four annas" had been substituted—Vide section 4 (*c*) of Madras Act XVI of 1943.

[2] Substituted by the Adaptation Order, 1950, for "the Provinces."

[3] Substituted by *ibid*, for "the collecting Government."

(*Chapter IV.—Instruments not duly stamped.*)

Provided that—

(*a*) any such instrument not being an instrument chargeable with a duty of [1] [one anna] [2] [or half an anna] only [3] [or a mortgage of crop article 34 (*a*) of Schedule 1-A] chargeable under clauses (*aa*) or (*bb*) of section 3 with a duty of [4] [two annas], or a bill of exchange or promissory note, shall, subject to all just exceptions, be admitted in evidence on payment of the duty with which the same is chargeable, or, in the case of an instrument insufficiently stamped, of the amount required to make up such duty, together with a penalty of five rupees, or, when ten times the amount of the proper duty or deficient portion thereof exceeds five rupees, of a sum equal to ten times such duty or portion ;

(*b*) where any person from whom a stamped receipt could have been demanded, has given an unstamped receipt and such receipt, if stamped, would be admissible in evidence against him then such receipt shall be admitted in evidence against him on payment of a penalty of one rupee by the person tendering it ;

(*c*) where a contract or agreement of any kind is effected by correspondence consisting of two or more letters and any one of the letters bears the proper stamp, the contract or agreement shall be deemed to be duly stamped;

(*d*) nothing herein contained shall prevent the admission of any instrument in evidence in any proceeding in a Criminal Court, other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898 (V of 1898) ;

(*e*) nothing herein contained shall prevent the admission of any instrument in any Court when such instrument has been executed by or on behalf of [5] [the Government], or where it bears the certificate of the Collector as provided by section 32 or any other provision of this Act.

36. *Admission of instrument where not to be questioned.*—Where an instrument has been admitted in evidence, such admission shall not, except as provided in section 61, be called in question at any stage of the same suit or proceeding on the ground that the instrument has not been duly stamped.

37. *Admission of improperly stamped instruments.*—[6] [The State Government] may make rules providing that, where an instrument bears a stamp of sufficient amount but of improper description, it may, on payment of the duty with which the same is chargeable, be certified to be duly stamped, and any instrument so certified shall then be deemed to have been duly stamped as from the date of its execution.

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[1] During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if before the words "one anna", the words "one and a half annas" had been inserted—Vide section 4 (c) of the Madras Act XVI of 1943.

[2] Inserted by section 3 of Act 5 of 1906.

[3] Inserted by section 12 of the Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922).

[4] During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if for the words "two annas", the words "four annas" had been substituted—Vide section 4 (c) of the Madras Act XVI of 1943.

[5] Substituted by the Adaptation Order, 1950, for "the Crown."

[6] Substituted by *ibid*, for "the Collecting Government."

(*Chapter IV.—Instruments not duly stamped.*)

38. *Instruments impounded how dealt with.*—(1) When the person impounding an instrument under section 33 has by law or consent of parties authority to receive evidence and admits such instrument in evidence upon payment of a penalty as provided by section 35 or of duty as provided by section 37, he shall send to the Collector an authenticated copy of such instrument, together with a certificate in writing, stating the amount of duty and penalty levied in respect thereof, and shall send such amount to the Collector, or to such person as he may appoint in this behalf.

(2) In every other case, the person so impounding an instrument shall send it in original to the Collector.

39. *Collector's power to refund penalty paid under section* 38, *sub-section* (1).—When a copy of an instrument is sent to the Collector under section 38, sub-section (1), he may, if he thinks fit, [1] * * * refund any portion of the penalty in excess of five rupees which has been paid in respect of such instrument.

(2) When such instrument has been impounded only because it has been written in contravention of section 13 or section 14, the Collector may refund the whole penalty so paid.

40. *Collector's power to stamp instruments impounded.*—(1) When the Collector impounds any instrument under section 33, or receives any instrument sent to him under section 38, sub-section (2), not being an instrument chargeable with a duty of [2] [one anna] [3][or half an anna] only [4] [or a mortgage of crop [article 34 (*a*) of Schedule I-A] chargeable under clauses (*aa*) or (*bb*) of section 3 with a duty of [5] (two annas)] or a bill of exchange or promissory note, he shall adopt the following procedure :—

(*a*) if he is of opinion that such instrument is duly stamped or is not chargeable with duty, he shall certify by endorsement thereon that it is duly stamped, or that it is not so chargeable, as the case may be :

(*b*) if he is of opinion that such instrument is chargeable with duty and is not duly stamped, he shall require the payment of the proper duty or the amount required to make up the same together with a penalty of five rupees ; or, if he thinks, fit, [6] [an amount not exceeding] ten times the amount of the proper duty or of the deficient portion thereof, whether such amount exceeds or falls short of five rupees :

Provided that, when such instrument has been impounded only because it has been written in contravention of section 13 or section 14, the Collector may, if he thinks fit, remit the whole penalty prescribed by this section.

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[1] The words " upon application made to him in this behalf or, if no application is made, with the consent of the Chief Controlling Revenue-authority " were omitted by section 2 and Schedule of Act 4 of 1914.

[2] During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if before the words " one anna ", the words " one and a half annas " had been inserted—*Vide* section 4 (*c*) of the Madras Act XVI of 1943.

[3] Inserted by section 3 of Act V of 1906.

[4] Inserted by section 12 of the Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922).

[5] During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if for the words " two annas ", the words four annas " had been substituted—*Vide* section 4 (*c*) of the Madras Act XVI of 1943.

[6] Inserted by section 6 of Act 15 of 1904.

(*Chapter IV.—Instruments not duly stamped.*)

(2) Every certificate under clause (*a*) of sub-section (1) shall, for the purposes of this Act, be conclusive evidence of the matters stated therein.

(3) Where an instrument has been sent to the Collector under section 38, sub-section (2), the Collector shall, when he has dealt with it as provided by this section, return it to the impounding officer.

41. *Instruments unduly stamped by accident.*—If any instrument chargeable with duty and not duly stanped, not being an instrument chargeable with a duty of [1] [one anna] [2] [or half anna] only [3] [or a mortgage of crop [article 34 (*a*) of Schedule I-1A] chargeable under clauses (*aa*) or (*bb*) of section 3 with a duty of [4] (two annas)] or a bill of exchange or promissory note, is produced by any person of his own motion before the Collector within one year from the date of its execution or first execution, and such person brings to the notice of the Collector the fact that such instrument is not duly stamped and offers to pay to the Collector the amount of the proper duty, or the amount required to make up the same, and the Collector is satisfied that the omission to duly stamp such instrument has been occasioned by accident, mistake or urgent necessity, he may, instead of proceeding under sections 33 and 40, receive such amount and proceed as next hereinafter prescribed.

42. *Endorsement of instruments on which duty has been paid under section* 35, 40 *or* 41.—(1) When the duty and penalty (if any) leviable in respect of any instrument have been paid under section 35, section 40, or section 41, the person admitting such instrument in evidence or the Collector, as the case may be, shall certify by endorsement thereon that the proper duty or, as the case may be, the proper duty and penalty (stating the amount of each) have been levied in respect thereof and the name and residence of the person paying them.

(2) Every instrument so endorsed shall thereupon be admissible in evidence, and may be registered and acted upon and authenticated as if it had been duly stamped, and shall be delivered on his application in this behalf to the person from whose possession it came into the hands of the officer impounding it, or as such person may direct :

Provided that—

(*a*) no instrument which has been admitted in evidence upon payment of duty and a penalty under section 35, shall be so delivered before the expiration of one month from the date of such impounding, or if the Collector has certified that its further detention is necessary and has not cancelled such certificate ;

(*b*) nothing in this section shall affect the [5] Code of Civil Procedure (XIV of 1882), section 144, clause 3.

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[1] During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if before the words " one anna " the words " one and a half annas " had been inserted—Vide section 4 (c) of the Madras Act XVI of 1943.

[2] Inserted by section 3 of Act V of 1906.

[3] Inserted by section 12 of the Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922).

[4] During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if for the words " two annas ", the words " four annas " had been substituted—Vide section 4 (c) of the Madras Act XVI of 1899).

[5] *See* now the Code of Civil Procedure, 1908 (V of 1908), Schedule I, Order XIII, Rule 9.

43. *Prosecution for offence against Stamp-law.*—The taking of proceedings or the payment of a penalty under this Chapter in respect of any instrument shall not bar the prosecution of any person who appears to have committed an offence against the Stamp-law in respect of such instrument:

Provided that no such prosecution shall be instituted in the case of any instrument in respect of which such a penalty has been paid, unless it appears to the Collector that the offence was committed with an intention of evading payment of the proper duty.

44. *Persons paying duty or penalty may recover same in certain cases.*—(1) When any duty or penalty has been paid under section 35, section 37, 40 or section 41, by any person in respect of an instrument, and, by agreement or under the provisions of section 29 or any other enactment in force at the time such instrument was executed, some other person was bound to bear the expense of providing the proper stamp for such instrument, the first-mentioned person shall be entitled to recover from such other person the amount of the duty or penalty so paid.

(2) For the purpose of such recovery, any certificate granted in respect of such instrument under this Act shall be conclusive evidence of the matters therein certified.

(3) Such amount may, if the Court thinks fit, be included in any order as to costs in any suit or proceeding to which such persons are parties and in which such instrument has been tendered in evidence. If the Court does not include the amount in such order, no further proceedings for the recovery of the amount shall be maintainable.

45. *Power to revenue authority to refund penalty or excess duty in certain cases.*—(1) Where any penalty is paid under section 35 or section 40, the Chief Controlling Revenue-authority may, upon application in writing made within one year from the date of the payment, refund such penalty wholly or in part.

(2) Where, in the opinion of the Chief Controlling Revenue-authority, stamp-duty in excess of that which is legally chargeable has been charged and paid under section 35 or section 40, such authority, may upon application in writing made within three months of the order charging the same, refund the excess.

46. *Non-liability for loss of instruments sent under section* 38.—(1) If any instrument sent to the Collector under section 38, sub-section (2) is lost, destroyed or damaged during transmission, the person sending the same shall not be liable for such loss, destruction or damage.

(2) When any instrument is about to be so sent, the person from whose possession it came into the hands of the person impounding the same may require a copy thereof to be made at the expense of such first-mentioned person and authenticated by the person impounding such instrument.

47. *Power of payer to stamp bills and promissory notes received by him unstamped.*—When any bill of exchange [1] [or promissory note] chargeable with the duty of one anna is presented for payment unstamped, the person to whom it is so presented may affix thereto the necessary adhesive stamp, and, upon cancelling the same in manner hereinbefore provided, may pay the sum payable upon such bill [2] [or note] and may charge the duty against the person who ought to have paid the same, or deduct it from the sum payable as

[1] Substituted by section 5 of Act V of 1927, for " Promissory note or cheque."
[2] Substituted by *ibid*, for " note or cheque."

aforesaid, and such bill [1] [or note] shall so far as respects the duty, be deemed good and valid:

Provided that nothing herein contained shall relieve any person from any penalty or proceeding to which he may be liable in relation to such bill [1][or note].

48. *Recovery of duties and penalties.*—All duties, penalties and other sums required to be paid under this Chapter may be recovered by the Collector by distress and sale of the movable property of the person from whom the same are due, or by any other process for the time being in force for the recovery of arrears of land-revenue.

CHAPTER V.

ALLOWANCES FOR STAMPS IN CERTAIN CASES.

49. *Allowance for spoiled stamps.*—Subject to such rules as may be made by [2] [the State Government] as to the evidence to be required, or the enquiry to be made, the Collector may, on application made within the period prescribed in section50, and if he is satisfied as to the facts, make allowance for impressed stamps spoiled in the cases hereinafter mentioned, namely :—

(*a*) the stamp on any paper inadvertently and undesignedly spoiled, obliterated or by error in writing or any other means rendered unfit for the purpose intended before any instrument written thereon is executed by any person:

(*b*) the stamp on any document which is written out wholly or in part, but which is not signed or executed by any party thereto:

(*c*) in the case of bills of exchange [3] [payable otherwise than and on demand] [4] * or promissory notes—

(1) the stamp on [5] [any such bill of exchange][6] * * signed by or on behalf of the drawer which has not been accepted or made use of in any manner whatever or delivered out of his hands for any purpose other than by way of tender for acceptance: provided that the paper on which any such stamp is impressed does not bear any signature intended as or for the acceptance of any bill of exchange [7] * * to be afterwards written thereon:

(2) the stamp on any promissory note signed by or on behalf of the maker which has not been made use of in any manner whatever or delivered out of his hands:

(3) the stamp used or intended to be used for [5] [any such bill of exchange] [8] * or promissory note signed by, or on behalf of, the drawer thereof, but which from any omission or error has been spoiled or rendered useless, although the same, being a bill of exchange [9] * * may have been presented for acceptance or accepted or endorsed, or, being a promissory note, may have been delivered to the payee provided that another completed and duly stamped

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[1] Substituted by section 5 of Act V of 1927, for " note or cheque."
[2] Substituted by the Adaptation of Laws Order, 1950; for " the collecting Government".
[3] Inserted by section 5 of Act V of 1927.
[4] The word " cheques " was omitted, *ibid.*
[5] Substituted, *ibid*, for " any bill of exchange."
[6] The words " or cheque " were omitted, *ibid.*
[7] Substituted by section 5 of Act V of 1927, for " any bill of exchange ".
[8] The word " cheque " was omitted, *ibid.*
[9] The words " or cheque " were omitted, *ibid.*

(*Chapter V.—Allowances for stamps in certain cases.*)

bill of exchange, [1] * or promissory note is produced identical in very particular, except in the correction of such omission or error as aforesaid, with the spoiled bill, [1] * or note:

(*d*) the stamp used for an instrument executed by any party there to which—

(1) has been afterwards found to be absolutely void in law from the beginning:

(2) has been afterwards found unfit, by reason of any error or mistake therein, for the purpose originally intended:

(3) by reason of the death of any person by whom it is necessary that it should be executed, without having executed the same, or of the refusal of any such person to execute the same, cannot be completed so as to effect the intended transaction in the form proposed:

(4) for want of the execution thereof by some material party, and his inability or refusal to sign the same, is in fact incomplete and insufficient for the purpose for which it was intended:

(5) by reason of the refusal of any person to act under the same, or to advance any money intended to be thereby secured, or by the refusal or non-acceptance of any office thereby granted, totally fails of the intended purpose:

(6) becomes useless in consequence of the transaction intended to be thereby effected being effected by some other instrument between the same parties and bearing a stamp of not less value:

(7) is deficient in value and the transaction intended to be thereby effected has been effected by some other instrument between the same parties and bearing a stamp of not less value:

(8) is inadvertently and undesignedly spoiled, and in lieu whereof another instrument made between the same parties and for the same purpose is executed and duly stamped:

Provided that, in the case of an executed instrument, no legal proceeding has been commenced in which the instrument could or would have been given or offered in evidence and that the instrument is given up to be cancelled.

Explanation.—The certificate of the Collector under section 32 that the full duty with which an instrument is chargeable has been paid is an impressed stamp within the meaning of this section.

50. *Application for relief under section 49 when to be made.*—The application for relief under section 49 shall be made within the following periods, that is to say,—

(1) in the cases mentioned in clause (*d*) (5), within two months of the date of the instrument:

(2) in the case of a stamped paper on which no instrument has been executed by any of the periods thereto, within six months after the stamp has been spoiled:

(3) in the case of a stamped paper in which an instument has been executed by any of the parties thereto, within six months after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed:

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[1] The word "cheque" was omitted by section 5 of Aot V of 1927.

(*Chapter V.—Allowances for stamps in certain cases.*)

Provided that,—

(*a*) when the spoiled instrument has been for sufficient reasons sent out of [1][the States] the application may be made within six months after it has been received back in [1][the States]:

(*b*) when from unavoidable circumstances, any instrument for which another instrument has been substituted cannot be given up to be cancelled within the aforesaid period, the application may be made within six months after the date of execution of the substituted instrument.

51. *Allowance in case of printed forms no longer required by corporations.*—The Chief Controlling Revenue-authority [2][or the Collector if empowered by the Chief Controlling Revenue-authority in this behalf] may, without limit of time, make allowance for stamped papers used for printed forms of instruments [3][by any banker or] by any incorporated company or other body corporate, if for any sufficient reason such forms have ceased to be required by the said [3][banker], company or body corporate; provided that such authority is satisfied that the duty in respect of such stamped papers has been duly paid.

52. *Allowance for misused stamps.*—(*a*) When any person has inadvertently used, for an instrument chargeable with duty, a stamp of a description other than that prescribed for such instrument by the rules made under this Act, or a stamp of greater value than was necessary, or has inadvertently used any stamp for an instrument not chargeable with any duty; or

(*b*) when any stamp used for an instrument has been inadvertently rendered useless under section 15, owing to such instrument having been written in contravention of the provisions of section 13;

the Collector may, on application made within six months after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed, and upon the instrument, if chargeable with duty, being restamped with the proper duty, cancel and allow as spoiled the stamp so misused or rendered useless.

53. *Allowance for spoiled or misused stamps how to be made.*—In any case in which allowance is made for spoiled or misused stamps, the Collector may give in lieu thereof—

(*a*) other stamps of the same description and value; or,

(*b*) if required and he thinks fit, stamps of any other description to the same amount in value; or

(*c*) at his discretion, the same value in money, deducting one anna for each rupee or fraction of a rupee.

54. *Allowance for stamps not required for use.*—When any person is possessed of a stamp or stamps which have not been spoiled or rendered unfit or useless for the purpose intended, but for which he has no immediate use, the Colletor shall repay to such person the value of such stamp or stamps in money, deducting one anna for each rupee or portion of a rupee, upon such person delivering up the same to be cancelled, and proving to the Collector's satisfaction—

(*a*) that such stamp or stamps were purchased by such person with a *bona fide* intention to use them; and

(*b*) that he has paid the full price thereof; and

(*c*) that they were so purchased within the period of six months next preceding the date on which they were so delivered:

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[1] Substituted by the Adaptation of Laws Order, 1950, for "the Provinces."
[2] Inserted by section 2 and Schedule of Act 4 of 1914.
[3] Inserted by section 6 of Act 5 of 1906.

Provided that, where the person is a licensed vendor of stamps, the Collector may, if he thinks fit, make the repayment of the sum actually paid by the vendor without any such deduction as aforesaid.

55. *Allowance on renewal of certain debentures.*—When any duly stamped debenture is renewed by the issue of a new debenture in the same terms, the Collector shall, upon application made within one month, repay to the person issuing such debenture, the value of the stamp on the original or on the new debenture, whichever shall be less :

Provided that the original debenture is produced before the Collector and cancelled by him in such manner as the [1] [State Government] may direct.

Explanation.—A debenture shall be deemed to be renewed in the same terms within the meaning of this section notwithstanding the following changes :—

(*a*) the issue of two or more debentures in place of one original debenture, the total amount secured being the same ;

(*b*) the issue of one debenture in place of two or more original debentures, the total amount secured being the same ;

(*c*) the substitution of the name of the holder at the time of renewal for the name of the original holder ; and

(*d*) the alteration of the rate of interest or the dates of payment thereof.

CHAPTER VI.

Reference and Revision.

56. *Control of, and statement of, case to Chief Controlling Revenue-authority.* (1) The powers exercisable by a Collector under Chapter IV and Chapter V [2] [and under clause (*a*) of the first proviso to section 26] shall in all cases be subject to the control of the Chief Controlling Revenue-authority.

(2) If any Collector, acting under section 31, section 40 or section 41, feels doubt as to the amount of duty with which any instrument is chargeable, he may draw up a statement of the case, and refer it, with his own opinion thereon, for the decision of the Chief Controlling Revenue-authority.

(3) Such authority shall consider the case and send a copy of its decision to the Collector, who shall proceed to assess and charge the duty (if any) in conformity with such decision.

57. *Statement of case by Chief Controlling Revenue-authority to High Court.*—(1) The Chief Controlling Revenue-authority may state any case referred to it under section 56, sub-section (2), or otherwise coming to its notice, and refer such case, with its opinion thereon—

[3] [(*a*) if it arises in a Part A State, to the High Court for that State ;

(*b*) if it arises in Ajmer, to the High Court at Allahabad ;

(*c*) if it arises in Bhopal, to the High Court at Nagpur ;

(*d*) if it arises in Bilaspur, Delhi and Himachal Pradesh, to the High Court of Punjab ;

(*e*) if it arises in Coorg, to [4 the High Courtof Mysore] ;

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[1] Substituted by the Adaptation of Laws Order 1950, for "Provincial Government."

[2] Inserted by section 7 of Act 15 of 1904.

[3] Substituted by the Adaptation of Laws Order, 1950 as amended by the Adaptation of Laws (Amendment) Order, 1950, for the former clauses (*a*), (*b*) and (*c*).

[4] The words were substituted for the words "The High Court at Madras" by item 2 of the Schedule to the Mysore High Court (Extension of Jurisdiction to Coorg) Act 1952 (72 of 1952).

(*Chapter VI—Reference and Revision.*)

(*f*) if it arises in Kutch, to the High Court at Bombay ; and

(*g*) if it arises in the Andaman and Nicobar Islands, to the High Court at Calcutta.]

(2) Every such case shall be decided by not less than three Judges of the High Court, [1]* * * to which it is referred and in case of difference the opinion of the majority shall prevail.

58. *Power of High Court, to call for further particulars as to case stated.*—If the High Court [2]* * * is not satisfied that the statements contained in the case are sufficient to enable it to determine the questions raised thereby, the Court may refer the case back to the Revenue-authority by which it was stated, to make such additions thereto or alterations therein as the Court may direct in that behalf.

59. *Procedure in disposing of case stated.*—(1) The High Court [2]* * *upon the hearing of any such case, shall decide the questions raised thereby, and shall deliver its judgment thereon containing the grounds on which such decision is founded.

(2) The Court shall send to the Revenue-authority by which the case was stated, a copy of such judgment under the seal of the Court and the signature of the Registrar ; and the Revenue-authority shall, on receiving such copy, dispose of the case conformably to such judgment.

60. *Statement of case by other Courts to High Court.*—(1) If any Court, other than a Court mentioned in section 57, feels doubt as to the amount of duty to be paid in respect of any instrument under proviso (*a*) to section 35, the Judge may draw up a statement of the case and refer it, with his own opinion thereon, for the decision of the High Court [2]* * * to which, if he were the Chief Controlling Revenue-authority, he would, under section 57, refer the same.

(2) Such Court shall deal with the case as if it had been referred under section 57, and send a copy of its judgment under the seal of the Court and the signature of the Registrar of the Chief Controlling Revenue-authority and another like copy to the Judge making the reference, who shall, on receiving such copy, dispose of the case conformably to such judgment.

(3) References made under sub-section (1), when made by a Court subordinate to a District Court, shall be made through the District Court, and, when made by any subordinate Revenue Court, shall be made through the Court immediately superior.

61. *Revision of certain decisions of Courts regarding the sufficiencyof stamps.*—(1) When any Court in the exercise of its civil or revenue jurisdiction of any Criminal Court in any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898 (V of 1898), makes any order admitting any instrument in evidence as duly stamped or as not requiring a stamp, or upon payment of duty and a penalty under section 35, the Court to which appeals lie from, or references are made by, such first-mentioned Court may, of its own motion or on the application of the Collector, take such order into consideration.

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[1] The words "Chief Court or Judicial Commissioner's Court" were omitted by the Adaptation of Laws Order, 1950.

[2] The words "Chief Court or Judicial Commissioner's Court" were omitted by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

(2) If such Court, after such consideration, is of opinion that such instrument should not have been admitted in evidence without the payment of duty and penalty under section 35, or without the payment of a higher duty and penalty than those paid, it may record a declaration to that effect, and determine the amount of duty with which such instrument is chargeable and, may require any person in whose possession or power such instrument then is, to produce the same, and may impound the same when produced.

(3) When any declaration has been recorded under sub-section (2) the Court recording the same shall send a copy thereof to the Collector, and, where the instrument to which it relates has been impounded or is otherwise in the possession of such Court shall also send him such instrument.

(4) The Collector may thereupon, notwithstanding anything contained in the order admitting such instrument in evidence, or in any certificate granted under section 42, or in section 43, prosecute any person for any offence against the Stamp-law which the Collector considers him to have committed in respect of such instrument :

Provided that—

(*a*) no such prosecution shall be instituted where the amount (including duty and penalty) which according to the determination of such Court, was payable in respect of the instrument under section 35, is paid to the Collector, unless he thinks that the offence was committed with an intention of evading payment of the proper duty ;

(*b*) except for the purposes of such prosecution, no declaration made under this section shall affect the validity of any order admitting any instrument in evidence, or of any certificate granted under section 42.

CHAPTER VII.

Criminal Offences and Procedure.

62. *Penalty for executing, etc., instrument not duly stamped.*—(1) Any person—

(*a*) drawing, making, issuing, endorsing, or transferring, or signing otherwise than as a witness, or presenting for acceptence or payment, or accepting, paying or receiving payment of, or in any manner negotiating any bill of exchange [1] [payable otherwise than on demand] [2] * or promissory note without the same being duly stamped ; or

(*b*) executing or signing otherwise than as a witness any other instrument chargeable with duty without the same being duly stamped ; or

(*c*) voting or attempting to vote under any proxy not duly stamped ;

shall for every such offence be punishable with fine which may extend to five hundred rupees :

Provided that, when any penalty has been paid in respect of any instrument under section 35, section 40 or section 61, the amount of such penalty shall be allowed in reduction of the fine (if any) subsequently imposed under this section in respect of the same instrument upon the person who paid such penalty.

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[1] Inserted by section 5 of Act 5 of 1927.
[2] The word " cheque " was omitted, *ibid.*

(*Chapter VII—Criminal offences and Procedure*).

(2) If a share warrant is issued without being duly stamped, the company issuing the same, and also every person who, at the time when it is issued is the managing director or secretary or other principal officer of the company shall be punishable with fine which may extend to five hundred rupees.

63. *Penalty for failure to cancel adhesive stamp.*—Any person required by section 12 to cancel an adhesive stamp, and failing to cancel such stamp in manner prescribed by that section, shall be punishable with fine which may extend to one hundred rupees.

64. *Penalty for omission to comply with provisions of section* 27.—Any person who, with intent to defraud the Government,—

(*a*) executes any instrument in which all the facts and circumstances required by section 27 to be set forth in such instrument are not fully and truly set forth ; or

(*b*) being employed or concerned in or about the preparation of any instrument, neglects or omits fully and truly to set forth therein all such facts and circumstances ; or

(*c*) does any other act calculated to deprive the Government of any duty or penalty under this Act ;

shall be punishable with fine which may extend to five thousand rupees.

65. *Penalty for refusal to give receipt, and for devices to evade duty on receipt.*—Any person who,—

(*a*) being required under section 30 to give a receipt, refuses or neglects to give the same ; or

(*b*) with intent to defraud the Government of any duty, upon a payment of money or delivery of property exceeding twenty rupees in amount or value, gives a receipt for an amount or value not exceeding twenty rupees, or separates or divides the money or property paid or delivered ;

shall be punishable with fine which may extend to one hundred rupees.

66. *Penalty for not making out policy, or making one not duly stamped.*—Any person who—

(*a*) receives, or takes credit for, any premium or consideration for any contract of insurance and does not, within one month after receiving, or taking credit for, such premium or consideration, make out and execute a duly stamped policy of such insurance ; or

(*b*) makes, executes, or delivers out any policy which is not duly stamped, or pays or allows in account, or agrees to pay or allow in account, any money upon, or in respect of, any such policy ;

shall be punishable with fine which may extend to two hundred rupees.

67. *Penalty for not drawing full number of bills or marine policies purporting to be in sets.*—Any person drawing or executing a bill of exchange [1] [payable otherwise than on demand] or a policy of marine insurance purporting to be drawn or executed in a set of two or more, and not at the same time drawing or executing on paper duly stamped the whole number of bills or policies of which such bill or policy purports the set to consist, shall be punishable with fine which may extend to one thousand rupees.

68. *Penalty for post-dating bills, and for other devices to defraud the revenue.*—Any person who—

(*a*) with intent to defraud the Government of duty, draws, makes or issues any bill of exchange or promissory note bearing a date subsequent to that on which such bill or note is actually drawn or made ;

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[1] Inserted by section 5 of Act 5 of 1927.

(*b*) knowing that such bill or note has been so post-dated, endorses, transfers, presents for acceptance or payment, or accepts, pays or receives payment of, such bill or note, or in any manner negotiates the same ; or

(*c*) with the like intent, practises or is concerned in any act, contrivance or device not specially provided for by this Act or any other law for the time being in force ;

shall be punishable with fine which may extend to one thousand rupees.

69. *Penalty for breach of rule relating to sale of stamps and for unauthorised sale.*—(*a*) Any person appointed to sell stamps who disobeys any rule made under section 74 ; and

(*b*) any person not so appointed who sells or offers for sale any stamp (other than a one-anna [1] [or half an anna] adhesive stamp) ;

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

70. *Institution and conduct of prosecutions.*—(1) No prosecution in respect of any offence punishable under this Act or any Act hereby repealed shall be instituted without the sanction of the Collector or such other officer as [2] [the State Government] generally, or the Collector specially, authorises in that behalf.

(2) The Chief Controlling Revenue-authority, or any officer generally or specially authorised by it in this behalf may stay any such prosecution or compound any such offence.

(3) The amount of any such composition shall be recoverable in the manner provided by section 48.

71. *Jurisdiction of Magistrates.*—No Magistrate other than a Presidency Magistrate or a Magistrate whose powers are not less than those of a Magistrate of the second-class, shall try any offence under this Act.

72. *Place of trial.*—Every such offence committed in respect of any instrument may be tried in any district or presidency-town in which such instrument is found as well as in any district or presidency-town in which such offence might be tried under the Code of Criminal Procedure for the time being in force.

CHAPTER VIII.

Supplemental Provisions.

73. *Books, etc., to be open to inspection.*—Every public officer having in his custody any registers, books, records, papers, documents or proceedings, the inspection whereof may tend to secure any duty, or to prove or lead to the discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person authorised in writing by the Collector to inspect for such purpose the registers, books, papers, documents and proceedings, and to take such notes and extracts as he may deem necessary, without fee or charge.

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[1] Inserted by section 3 of Act 5 of 1906.

[2] Substituted by the Adaptation of Laws Order, 1950, for "the collecting Government."

(*Chapter VIII—Supplemental Provisions*).

74. *Powers to make rules relating to sale of stamps.*—The [1][State Government] [2] * * * * * * may make rules for regulating—

(*a*) the supply and sale of stamps and stamped papers,

(*b*) the persons by whom alone such sale is to be conducted, and

(*c*) the duties and remuneration of such persons :

Provided that such rules shall not restrict the sale of one-anna [3][or half an anna] adhesive stamps.

75. *Power to make rules generally to carry out Act.*—The [1][State Government] may make rules to carry out generally the purposes of this Act, and may by such rules prescribe the fines, which shall in no case exceed five hundred rupees, to be incurred on breach thereof.

76. *Publication of rules.*—[4][(1) All rules made under this Act shall be published in the official Gazette.]

(2) All rules published as required by this section shall, upon such publication, have effect as if enacted by this Act.

[5][76. A. *Delegation of certain powers.*—[6][[7] * * * The [8][State] Government, may by notification in the official Gazette] delegate—

(*a*) all or any of the powers conferred on it by section [2] (9) 33 (3) (*b*), 70 (1), 74 and 78 to the Chief Controlling Revenue-authority ; and

(*b*) all or any of the powers conferred on the Chief Controlling Revenue-authority by section 45 (1), (2), 56 (1) and 70 (2) to such subordinate Revenue-authority as may be specified in the notification.]

77. *Saving as to Court-fees.*—Nothing in this Act contained shall be deemed to affect the duties chargeable under any enactment for the time being in force relating to court-fees.

78. *Act to be translated and sold cheaply.*—Every [9][State] Government shall make provision for the sale of translation of this Act in the principal vernacular languages of the territories administered by it at a price not exceeding four annas per copy.

79. [*Repeal*] *Repealed by s.* 3 *and Schedule II of the Repealing and Amending Act*, 1914 (*X of* 1914).

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1. Substituted by the Adaptation of Laws Order, 1950, for " Collecting Government.",

2. The words " subject to the control of the Governor-General in Council " were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

3. Inserted by section 3 of Act 5 of 1906.

4. Substituted by the Government of India (Adaptation of India Laws Order), 1937 for the original sub-section.

5. Inserted by section and Schedule 2 of Act 4 of 1914.

6. Substituted by the Government of India (Adaptation of Indian Laws) Order, 1937 for " The Local Government may, by notification in the local official Gazette."

7. The words " The Central Government, subject to the provisions of section 124 (1) of the Government of India Act, 1935, and " were omitted by the Adaptation of Laws Order, 1950.

8. Substituted by the Adaptation of Laws Order, 1950, for " Provincial ".

9. Substituted by *ibid*, for " Provincial Government."

(*Schedule I—Stamp duty on Instruments*).

SCHEDULE I.

STAMP DUTY ON INSTRUMENTS.

(*See* section 3.)

Description of Instrument.	Proper stamp-duty.	
1. ACKNOWLEDGMENT of a debt exceeding twenty rupees in amount or value, written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a banker's pass book) or on a separate piece of paper when such book or paper is left in the creditor's possession; provided that such acknowledgment does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property.	One anna.	X of 1865. V of 1873. V of 1881. VII of 1889
2. ADMINISTRATION BOND, including a bond given under section 256 of the Indian Succession Act, 1865, section 6 of the Government Savings Banks Act, 1873, section 78 of the Probate and Administration Act, 1881, or section 9 or section 10 of the Succession Certificate Act, 1889.—		
(*a*) where the amount does not exceed Rs. 1,000;	The same duty as a Bond No. (15) for such amount.	
(*b*) in any other case	Five rupees.	
3. ADOPTION-DEED, that is to say, any instrument (other than a will) recording an adoption or conferring or purporting to confer an authority to adopt.	Ten rupees.	
ADVOCATE, *see* ENTRY AS AN ADVOCATE (No. 30).		
4. AFFIDAVIT, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.	One rupee.	

Exemptions.

Affidavit or declaration in writing when made—

[1] [(*a*) as a condition of enrolment under the Indian Army Act, 1911; [2] [or the Indian Air Force, 1932]; — VIII of 1911, XIV of 1932.

(*b*) for the immediate purpose of being filed or used in any Court or before the officer of any Court; or

(*c*) for the sole purpose of enabling any person to receive any pension or charitable allowance.

[3][5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT—		
(*a*) if relating to the sale of a bill of exchange ..	Two annas.	
(*b*) if relating to the sale of a Government security or share in an incorporated company or other body corporate;	Subject to a maximum of ten rupees one anna for every Rs. 10,000 or part thereof of the value of the security or share.	
(*c*) if not otherwise provided for	Eight annas.	

Exemptions.

Agreement or memorandum of agreement—

(*a*) for or relating to the sale of goods or merchandise exclusively, not being a NOTE or MEMORANDUM chargeable under No. 43;

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1 Substituted by section 2 and Schedule I of Act 18 of 1928 for the original clause.
2 Ins. by section 130 and schedule of Act 14 of 1932.
3 Substituted by section 3 (1) of Act 6 of 1910, for the original Article.

(*Schedule I—Stamp duty on Instruments*).

Description of Instrument.	Proper stamp-duty.
(*b*) made in the form of tenders to the [1][Central Government] for or relating to any loan;	
[2] * * * *	
AGREEMNT TO LEASE. *See* LEASE (No. 35).	
[3][6. AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS PAWN OR PLEDGE, that is to say, any instrument evidencing an agreement relating to—	
(1) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), or	
(2) the pawn or pledge of moveable property, where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt—	
(*a*) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement;	The same duty as a Bill of Exchange [No. 13 (*b*)] for the amount secured.
(*b*) if such loan or debt is repayable not more than three months from the date of such instrument.	Half the duty payable on a Bill of Exchange [No. 13 (*b*)] for the amount secured.
Exemption.	
Instrument of pawn or pledge of goods if unattested.	
7. APPOINTMENT IN EXECUTION OF A POWER, whether of trustees or of property, movable or immovable, where made by any writing not being a Will.	Fifteen rupees.
8. APPRAISEMENT OR VALUATION made otherwise than under an order of the Court in the course of a suit—	
(*a*) where the amount does not exceed Rs. 1,000.	The same duty as a Bond (No. 15) for such amount.
(*b*) in any other case	Five rupees.
Exemptions.	
(*a*) Appraisement or valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreement or operation of law.	
(*b*) Appraisement of crops for the purpose of ascertaining the amount to be given to a landlord as rent.	
9. APPRENTICESHIP-DEED, including every writing relating to the service or tution of any apprentice, clerk or servant, placed with any master to learn any profession, trade of employment, not being ARTICLES OF CLERKSHIP (No. 11).	Five rupees.

1 Substituted by the Government of India Adaptation (of Indian Laws) Order, 1937, for "Government India."
2 Clause (c) was omitted by the Adaptation of Laws Order, 1950.
3 Substituted by section 8 (1) of Act 15 of 1904, for the original Article.

(*Schedule I—Stamp-duty on Instruments.*)

Description of Instrument.	Proper Stamp-duty.	
Exemption.		
Instruments of apprenticeship executed by a Magistrate under the Apprentices Act, 1850, or by which a person is apprenticed by or at the charge of any public charity.		XIX of 1850.
10. ARTICLES OF ASSOCIATION OF A COMPANY.	Twenty-five rupees.	
Exemption.		
Articles of any Association not formed for profit and registered under section 26 of the Indian Companies Act, 1882.		VI of 1882.
See also MEMORANDUM OF ASSOCIATION OF A COMPANY (No. 39).		
11. ARTICLES OF CLERKSHIP or contract whereby any person first becomes bound to serve as a clerk in order to his admission as an attorney in any High Court.	Two hundred and fifty rupees.	
ASSIGNMENT. *See* CONVEYANCE (No. 23), TRANSFER (No. 62) and TRANSFER OF LEASE (No. 63), as the case may be.		
ATTORNEY. *See* ENTRY AS AN ATTORNEY (No. 30) and POWER OF ATTORNEY (No. 48).		
AUTHORITY TO ADOPT. *See* ADOPTION-DEED (No. 3).		
12. AWARD, that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit—		
(*a*) Where the amount or value of the property to which the award relates as set forth in such award does not exceed Rs. 1,000 ;	The same duty as a bond (No. 15) for such amount.	
(*b*) in any other case	Five rupees.	
Exemption.		
Award under the [1] Bombay District Municipal Act, 1873, section 81 or the Bombay Hereditary Offices Act, 1874, section 18.		Bom. Act VI of 1873. Bom. Act III of 1874.
13. BILL OF EXCHANGE [as defined by section 2 (2) [2] * *] not being a BOND, bank note or currency-note—		

[3] * * * * * * *

1 *See* now the Bombay District Municipal Act, 1901 (Bombay Act 3 of 1901).

2 The word, figure and brackets " and (3) " were omitted by section 5 of Act 5 of 1927.

3 The entry (*a*) was omitted, *ibid.*

(*Schedule I—Stamp duty on Instruments*).

13. BILL OF EXCHANGE—*cont*.

[1][(*b*) where payable otherwise than on demand but not more than one year after date or sight—

Description of Instrument.	RS.	Proper Stamp-duty. If drawn singly. RS. A. P.	If drawn in set of two, for each part of the set. RS. A. P.	If drawn in set of three, for each part of the set RS. A. P.
if the amount of the bill or note does not exceed.	200	0 3 0	0 2 0	0 1 0
if it exceeds Rs. 200 and does not exceed	400	0 6 0	0 3 0	0 2 0
Do. 400 do.	600	0 9 0	0 5 0	0 3 0
Do. 600 do.	800	0 12 0	0 6 0	0 4 0
Do. 800 do.	1,000	0 15 0	0 8 0	0 5 0
Do. 1,000 do.	1,200	1 2 0	0 9 0	0 6 0
Do. 1,200 do.	1,600	1 8 0	0 12 0	0 8 0
Do. 1,600 do.	2,500	2 4 0	1 2 0	0 12 0
Do. 2,500 do.	5,000	4 8 0	2 4 0	1 8 0
Do. 5,000 do.	7,500	6 12 0	3 6 0	2 4 0
Do. 7,500 do.	10,000	9 0 0	4 8 0	3 0 0
Do. 10,000 do.	15,000	3 8 0	6 12 0	4 8 0
Do. 15,000 do.	20,000	18 0 0	9 0 0	6 0 0
Do. 20,000 do.	25,000	22 8 0	11 4 0	7 8 0
Do. 25,000 do.	30,000	27 0 0	13 8 0	9 0 0
and for every additional Rs. 10,000 or part thereof in excess of Rs. 30,000		9 0 0	4 8 0	3 0 0

(*c*) where payable at more than one year after date of sight. — The same duty as a BOND (No. 15) for the same amount.

14. BILL OF LADING (including a through bill of lading). — Four annas.

N.B.—If a bill of lading is drawn in parts, the proper stamp therefor must be borne by each one of the set.

Exemptions.

(*a*) Bill of lading when the goods therein described are received at a place within the limits of any port as defined under the
X of 1889. [2]Indian Ports Act, 1889, and are to be delivered at another place within the limits of the same port.

(*b*) Bill of lading when executed out of [3][the States] and relating to property to be delivered in [3] [the States].

1 Substituted by section 2 of Act I of 1912, for the original clause.

2 *See* now the Indian Ports Act, 1908 (15 of 1908).

3 Substituted by the Adaptation of Laws Order, 1950, for the "Provinces."

(*Schedule I.—Stamp-duty on Instruments.*)

Description of Instrument.				Proper Stamp-duty.
15. BOND [as defined by section 2 (5)] not being a DEBENTURE (No. 27), and not being otherwise provided for by this Act, or by the Court Fees Act, 1870— VII of 1870				
where the amount or value secured does not exceed Rs. 10.				Two annas.
			RS.	
where it exceeds Rs.	10	and does not exceed	50	Four annas.
Do.	50	do.	100	Eight annas.
Do.	100	do.	200	One rupee.
Do.	200	do.	300	One rupee eight annas.
Do.	300	do.	400	Two rupees.
Do.	400	do.	500	Two rupees eight annas.
Do.	500	do.	600	Three rupees.
Do.	600	do.	700	Three rupees eight annas.
Do.	700	do.	800	Four rupees.
Do.	800	do.	900	Four rupees eight annas.
Do.	900	do.	1,000	Five rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.				Two rupees eight annas.

SEE ADMINISTRATION-BOND (No. 2), BOTTOMRY BOND (No. 16), CUSTOMS BOND (No. 26), INDEMNITY-BOND (No. 34), RESPONDENTIA BOND (No. 56), SECURITY BOND (No. 57).

Exemptions.

Bond, when executed by—

(*a*) headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act; Ben Act III of 1876.

(*b*) any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem.

16. BOTTOMRY BOND, that is to say, any instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage.	The same duty as a Bond (No. 15) for the same amount.
17. CANCELLATION—Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.	Five rupees.

See also RELEASE (No. 55), REVOCATION OF SETTLEMENT (No. 58-B), SURRENDER OF LEASE (No. 61), REVOCATION OF TRUST (No. 64-B).

(Schedule I.—Stamp-duty on Instruments.)

Description of Instrument.	Proper Stamp-duty.
18. CERTIFICATE OF SALE (in respect of each property put up as a separate lot and sold) granted to the purchaser of any property sold by public auction by a Civil or Revenue Court or Collector or other Revenue Officer—	
(*a*) where the purchase-money does not exceed Rs. 10;	Two annas.
(*b*) where the purchase-money exceeds Rs. 10 but does not exceed Rs. 25;	Four annas.
(*c*) in any other case	The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the purchase-money only.
19. CERTIFICATE OR OTHER DOCUMENT evidencing the right or title of the holder thereof or any other person, either to any shares, scrip or stock in or of any incorporated company or other body corporate, or to become proprietor of shares, scrip or stock in or of any such company or body. *See* also LETTER OF ALLOTMENT OF SHARES (No. 36).	[1] Two annas.
20. CHARTER-PARTY, that is to say, any instrument (except an agreement for the hire of a tug-steamer) whereby a vessel or some specified principal part thereof is set for the specified purposes of the charterer, whether it includes a penalty clause or not.	One rupee.
[2] * * * *	
22. COMPOSITION-DEED, that is to say, any instrument executed by a debtor whereby he conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business under the supervision of inspectors or under letters of licence for the benefit of his creditors.	Ten rupees.
23. CONVEYANCE [as defined by section 2 (10)] not being a TRANSFER charged or exempted under No. 62—	
Where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 50;	Eight annas.

			RS.	
where it exceeds Rs.	50	but does not exceed	100	One rupee.
Do.	100	do.	200	Two rupees.
Do.	200	do.	300	Three rupees.
Do.	300	do.	400	Four rupees.
Do.	400	do.	500	Five rupees.
Do.	500	do.	600	Six rupees.
Do.	600	do.	700	Seven rupees.
Do.	700	do.	800	Eight rupees.
Do.	800	do.	900	Nine rupees.
Do.	900	do.	1,000	Ten rupees.

and for every Rs. 500 or part thereof in excess of Rs. 1,000. — Five rupees.

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1 Substituted by section 2 of Act 43 of 1923 for " one anna."
2 Article 21 was omitted by section 5 of Act 5 of 1927.

(Schedule I.—Stamp-duty on Instruments.)

Description of Instrument.	Proper Stamp-duty.
23. CONVEYANCE—*cont.*	
Exemption.	
Assignment of copyright by entry made under the [1]Indian Copyright Act, 1847, section 5. XX of 1847.	
CO-PARTNERSHIPS DEED. *See Partnership* (No. 46).	
24. COPY OR EXTRACT certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court-fees—	
(i) if the original was not chargeable with duty or if the duty with which it was chargeable does not exceed one rupee;	Eight annas.
(ii) in any other case	One rupee.
Exemptions.	
(*a*) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.	
[2][(*b*) Copy of, or extract from, any register relating to births, baptisms, namings, dedications, marriages, [3](divorces), deaths or burials].	
25. COUNTERPART OR DUPLICATE of any instrument chargeable with duty and in respect of which the proper duty has been paid—	
(*a*) if the duty with which the original instrument is chargeable does not exceed one rupee;	The same duty as is payable on the original.
(*b*) in any other case	One rupee.
Exemption.	
Counterpart of any lease granted to cultivator, when such lease is exempted from duty.	
26. CUSTOMS BOND—	
(*a*) Where the amount does not exceed Rs. 1,000;	The same duty as a Bond (No. 15) for such amount.
(*b*) in any other case	Five rupees.
[4][27. DEBENTURE (whether a mortgage debenture or not), being a marketable security transferable—	
(*a*) By endorsement or by a separate instrument of transfer;	The same duty as a Bond (No. 15) for the same amount.
(*b*) by delivery	The same duty as a Conveyance (No. 23) for a consideration equal to the face amount of the debenture.
Explanation.—The term "Debenture" includes any interest coupons attached thereto but the amount of such coupons shall not be included in estimating the duty.	

1 *See* now the Indian Copyright Act, 1914 (3 of 1914).
a Substituted by section 7 of Act 5 of 1906, for clauses (*b*) and (*c*).
3 Inserted by section 2 and Schedule 1 of Act 10 of 1914.
4Substituted by section 3 of Act 6 of 1910, for the original Article.

(*Schedule I.—Stampduty on Instruments.*)

Description of Instrument.	Proper Stamp-duty.
Exemption. A debenture issued by an incorporated company or other body corporate in terms of a registered mortgage-deed, duly stamped in respect of the full amount of debentures to be issued thereunder, whereby the company or body borrowing makes over, in whole or in part, their property to trustees for the benefit of the debenture-holders: provided that the debentures so issued are expressed to be issued in terms of the said mortgage-deed. *See also* BOND (No. 15), and SECTIONS 8 and 55.]	
DECLARATION OF ANY TRUST. *See* TRUST (No. 64).	
28. DELIVERY-ORDER IN RESPECT OF GOODS, that is to say, any instrument entitling any person therein named, or his assigns or the holder thereof, to the delivery of any goods lying in any dock or port, or in any warehouse in which goods are stored or deposited on rent or hire, or upon any wharf, such instrument being signed by or on behalf of the owner of such goods, upon the sale or transfer of the property therein, when such goods exceed in value twenty rupees.	One anna.
DEPOSIT OF TITLE-DEEDS. [1][*See* AGREEMENT relating to DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6).]	
DISSOLUTION OF PARTNERSHIP. *See* PARTNERSHIP (No. 46).	
29. DIVORCE.—Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.	One rupee.
DOWER.—Instrument of. *See* SETTLEMENT (No. 58).	
DUPLICATE. *See* COUNTERPART (No. 25).	
30. ENTRY AS AN ADVOCATE, VAKIL OR ATTORNEY ON THE ROLL OF ANY HIGH COURT [2][under the Indian Bar Councils Act, 1926, or] in exercise of powers conferred on such Court by Letters Patent or by the [3]Legal Practitioners Act, 1884— (XXXVIII of 1926. IX of 1884.)	
(*a*) in the case of an Advocate or Vakil ..	Five hundred rupees.
(*b*) in the case of an Attorney	Two hundred and fifty rupees.
Exemption. Entry of an advocate, vakil or attorney on the roll of any High Court when he has previously been enrolled in a High Court.	
[4]* * * * *	
31. EXCHANGE OF PROPERTY—Instrument of ..	The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property of greatest value as set forth in such instrument.
EXTRACT. See *Copy*—No. (24).	

1 Substituted by section 8 of Act 15 of 1904, for "*See* Agreement by way of equitable mortgage (No. 6)."
2 Inserted by section 19 and Schedule of Act 38 of 1926.
3 Repealed by Act I of 1938.
4 The entry "Equitable Mortgage" was omitted by section 8 of Act 15 of 1904.

(*Schedule I—Stamp-duty on Instruments.*)

Description of Instrument.	Proper Stamp-duty.
32. FURTHER CHARGE—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—	
(*a*) when the original mortgage is one of the description referred to in clause (*a*) of Article No. 40 (that is, with possession);	The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the further charge secured by such instrument.
(*b*) when such mortgage is one of the description referred to in clause (*b*) of Article No. 40 (that is, without possession)—	
(i) If at the time of execution of the instrument of further charge possession of the property is givenor agreed to be given under such instrument;	The same duty as a Conveyance (No. 23) for a consideration equal to the total amount of the charge (including the original mortgage and any further charge already made) less the duty already paid on such original mortgage and further charge.
(ii) if possession is not so given	The same duty as a Bond (No. 15) for the amount of the further charge secured by such instrument.
33. GIFT—Instrument of, not being a SETTLEMENT (No. 58) or *Will or Transfer* (No. 62).	The same as duty a Conveyance (No. 23) for a consideration equal to the vale of the property as set forth in such instrument.
HIRING AGREEMENT or agreement for service. *See* AGREEMENT (No. 5).	
34. INDEMNITY BOND	The same duty a sa Security-Bond (No. 57) for the same amount.
INSPECTORSHIP-DEED. See *Composition-deed* (No. 22).	
INSURANCE. See *Policy of Insurance* (No. 47).	
35. LEASE, including an under-lease or sub-lease and any agreement to let or sub-let—	
(*a*) where by such lease the rent is fixed and no premium is paid or delivered—	
(i) where the lease purports to be for a term of less than one year,	The same duty as a Bond (No. 15) for the whole amount payable or deliverable under such lease.
(ii) where the lease purports to be for a term of not less than one year but not more than three years;	The same duty as a Bond (No. 15) for the amount or value of the average annual rent reserved.
(iii) where the lease purports to be for a term in excess of three years;	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of the average annual rent reserved.
(iv) where the lease does not purport to be for any definite term:	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.

(*Schedule I—Stamp-duty on Instruments.*)

Description of Instrument.	Proper Stamp-duty.
35. LEASE—*cont.*	
(v) where the lease purports to be in perpetuity.	The same duty as a Conveyance (No. 23) for a consideration equal to one-fifth of the whole amount of rents which would be paid or delivered in respect of the first fifty years in the lease.
(*b*) where the lease is granted for a fine or premium or for money advanced and where no rent is reserved.	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.
(*c*) where the lease is granted for a fine or premium or for money advanced in addition to rent reserved.	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease, in addition to the duty which would have been payable on such lease if no fine or premium or advance had been paid or delivered : Provided that, in any case when an agreement to lease is stamped with the *ad valorem* stamp required for a lease and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed eight annas.
Exemptions. (*a*) Lease, executed in the case of a cultivator and for the purpose of cultivation (including a lease of trees for the production of food or drink) without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees. [1] * * * * * *	
36. LETTERS OF ALLOTMENT OF SHARERS in any company or proposed company, or in respect of any loan to be raised by any company or proposed company.	[2][Two annas.]
See also CERTIFICATE OR OTHER DOCUMENT (No. 19).	
37. LETTER OF CREDIT, that is to say, any instrument by which one person authorizes another to give credit to the person in whose favour it is drawn.	[2][Two annas.]
LETTER OF GUARANTEE. See *Agreement* (No. 5).	
38. LETTER OF LICENCE, that is to say, any agreement between a debtor and his creditors, that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.	Ten rupees.

1 Exemption (*b*) was omitted by the Adaptation of Laws Order, 1937.
2 Substituted by section 2 of Act 43 of 1923, for " one anna."

(*Schedule I—Stamp-duty on Instruments.*)

Description of Instrument.	Proper Stamp-duty.	
39. MEMORANDUM OF ASSOCIATION OF A COMPANY—		VI of 1882.
(*a*) If accompanied by articles of Association under section 37 of the [1]Indian Companies Act, 1882:	Fifteen rupees.	
(*b*) If not so accompanied	Forty rupees.	
Exemption.		VI of 1882.
Memorandum of any association not formed for profit and registered under section 26 of the [1]Indian Companies Act, 1882.		
40. MORTGAGE-DEED, not being [2][an *Agreement relating to deposit of Title-deeds, Pawn or Pledge* (No. 6)], *Bottomry Bond* (No. 16), *Mortgage of a Crop* No. 41), *Respendentia Bond* (No. 56) *or Security Bond* (No. 57)—		
(*a*) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given;	The same duty as a Conveyance (No. 23) for a consideration equal to the amount secured by such deed.	
(*b*) When [3] * * * * * possession is not given or agreed to be given as aforesaid;	The same duty as a Bond (No. 15) for the amount secured by such deed.	
Explanation.—A mortgagor who gives to the mortgagee a power-of-attorney to collect rents or a lease of the properry mortgaged or part thereof, is deemed to give possession within the meaning of this article.		
(*c*) when a collateral or auxiliary or additional or substituted security, or by way of further assurance for the abovementioned purpose where the principal or primary security is duly stamped—		
for every sum secured not exceeding Rs. 1,000.	Eight annas.	
and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000.	Eight annas.	
Exemption.		XIX of 1883 XII of 1884.
(1) Instruments executed by persons taking advances under the Land Improvement Loans Act 1883, or the Agriculturists' Loans Act, 1884, or by their sureties as security for the repayment of such advances.		
(2) Letter of hypothecation accompanying a bill of exchange.		
[4] * * * * *		
41. MORTGAGE OF A CROP, including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop, whether the crop is not in existence at the time of the mortgage—		
(*a*) when the loan is repayable not more than three months from the date of the instrument—		
for every sum secured not exceeding Rs. 200 ..	One annu.	
and for every Rs. 200 or part thereof secured in excess of Rs. 200.	One anna.	

1 *See* now the Indian Companies Act. 1913 (7 of 1913).
2 Substituted for "AN AGREEMENT TO MORTGAGE (No.6)" by section 8 (4) (*a*) of Act 15 of 1904.
3 The words "at the time of execution" were repealed by section 8 (4) (*b*), *ibid.*
4 Exemption (3) was repealed by section 8 (4) (*c*) of Act 15 of 1904.

(*Schedule I—Stamp-duty on Instruments.*)

Description of Instrument.	Proper Stamp-duty.
41. MORTGAGE OF A CROP—*cont.*	
(*b*) when the loan is repayable more than three months, but not more than [1][eighteen months], from the date of the instrument—	
for every sum secured not exceeding Rs. 100.	[2][Two annas].
and for every Rs. 100 or part thereof secured in excess of Rs. 100.	[2][Two annas].
42. NOTARIAL ACT, that is to say, any instrument, endorsement, note, attestation, certificate or entry not being a PROTEST (No. 50) made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public.	One rupee.
See also PROTEST OF BILL OR NOTE (No. 50.)	
[3][43. NOTE OF MEMORANDUM sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal]—	
(*a*) of any goods exceeding in value twenty rupees	Two annas.
(*b*) of any stock or marketable security exceeding in value twenty rupees.	Subject to a maximum of ten rupees, one anna for every Rs. 10,000 or part thereof of the value of the stock or srecurity.
44. NOTE OF PROTEST BY THE MASTER OF A SHIP. *See also* PROTEST BY THE MASTER OF A SHIP (No. 51).	Eight annas.
ORDER FOR THE PAYMENT OF MONEY. *See* BILL OF EXCHANGE (No. 13).	
45. PARTITION—Instrument of [as defined by section 2 (15)].	The same duty as a Bond (No. 15) for the amount of the value of the separated share or shares of the property. *N.B.*—The largest share remaining after the property is partitioned (or, if there are two or more shares of equal value and not smaller than any of the other shares, then one of such equal shares) shall be deemed to be that from which the other shares are seperated : Provided always that— (*a*) when an instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such parition shall be reduced by the amount of duty paid in respect of the first instrument but shall not be less than eight annas :

1 Substituted by section 7 of Act 5 of 1906, for " one year."
2 Substituted by section 8 of Act 15 of 1904, for " Four annas."
3 Substituted by section 3 of Act 6 of 1910, for the original Article.

(*Schedule I—Stamp-duty on Instruments.*)

Description of Instrument.	Proper Stamp-duty.
45. PARTITION—*cont.*	(*b*) where land is held on Revenue Settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated at not more than five times the annual revenue. (*c*) where a final order for effecting a partition passed by any Revenue authority or any Civil Court, or an award by an arbitrator directing a partition, is stamped with the stamp required for an instrument of partition, and an instrument of partition in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed eight annas.
46. PARTNERSHIP—	
A.—INSTRUMENT OF—	
(*a*) where the capital of the partnership does not exceed Rs. 500.	Two rupees eight annas.
(*b*) in any other case	Ten rupees
B.—DISSOLUTION OF	Five rupees.
[1][PAWN OR PLEDGE, *See* AGREEMENT RELATING TO DEPOSIT OF TITLE DEEDS, PAWN OR PLEDGE (No. 6)].	

	If drawn singly.	If drawn in duplicate, for each part.
47. POLICY OF INSURANCE—		
[2][A.—*Sea-Insurance* (*See* Section 7)—		
(1) for or upon any voyage—		
(i) where the premium or consideration does not exceed the rate of two annas or one-eight per centum of the amount insured by the po licy ;	One anna.	Half an anna.
(ii) in any other case, in respect of every full sum of [3][one thousand five hundred rupees] and also any fractional part of [3][one thousand five hundred rupees] insured by the policy ;	[5](One anna.)	[5](Half an anna.)
(2) for time—		
(iii) in respect of every full sum of one thousand rupees and also fractional part of one thousand rupees insured by the policy—where the insurance shall be made any time not exceeding six months ;	Two annas.	One anna.
where the insurance shall be made for any time exceeding six months and not exceeding twelve months.	Four annas.	Two annas.]

1 Inserted by section 8 of Act 15 of 1904.
2 Substituted by section 7 of Act 5 of 1906 for the original division (A).
3 Substituted by section 2 and Schedule 1 of Act 18 of 1928, for "One thousand rupees."
4 Substituted *ibid*, for " Five annas."
5 Substituted *ibid*, for " one anna."

(*Schedule I—Stamp-duty on Instruments.*)

Description of Instrument.	Proper Stamp-duty.
47. POLICY OF INSURANCE—*cont.*	
[1][B.—*Fire-Insurance and other classes of Insurance, not elsewhere included in this Article, covering goods, merchandise, personal effects, crops, and other property against loss or damage.*]—	
(1) in respect of an original policy—	
(i) when the sum insured does not exceed Rs. 5,000;	Eight annas.
(ii) in any other case .. .. .. and	One rupee.
(2) in respect of each receipt for any payment of a premium of any renewal of an original policy.	One half of the duty payable in respect of the original policy in addition to the amount, if any, chargeable under No. 53.]
C.—*Accident and Sickness Insurance*—	
(*a*) against railway accident, valid for a single journey only.	One anna.
Exemption. When issued to a passenger travelling by the intermediate or the third class in any railway.	
(*b*) in any other case—for the maximum amount which may become payable in the case of any single accident or sickness where such amount does not exceed Rs. 1,000, and also where such amount exceeds Rs. 1,000, for every Rs. 1,000 or part thereof.	Two annas: [3][Provided that, in case of a policy of insurance against death by accident when the annual premium payable does not exceed Rs. 2-8-0 *per* Rs. 1,000, the duty on such instrument shall be one anna for every Rs. 1,000 or part thereof of the maximum amount which may become payable under it.]
[4][CC.—*Insurance by way of indemnity* against liability to pay damages on account of accidents to workmen employed by or under the insurer or against liability to pay compensation under the Workmen's Compensation Act, 1923, for every Rs. 100 or part thereof payable as premium.	One anna.]

VIII of 1923.

Description of Instrument.	If drawn singly.	If drawn in duplicate, for each part.
[5][D.—*Life Insurance or other Insurance not specifically provided for*, except such a *Re-Insurance* as is described in Division E of this article—		
(i) for every sum insured not exceeding Rs. 250;	Two annas.	One anna.
(ii) for every sum insured exceeding Rs. 250 but not exceeding Rs. 500;	Four annas.	Two annas.

1 Substituted by section 7 of Act 5 of 1906, for the original Division B.
2 Substituted by section 2 of Act 13 of 1923, for "Fire Insurance."
3 Inserted by section 2 and Schedule I of Act 18 of 1928.
4 Inserted by section 2 of Act 15 of 1925.
5 Substituted by section 2 and Schedule I of Act 18 of 1928, for the original Division D.

(*Schedule I—Stamp-duty on Instruments.*)

Description of Instrument.	Proper Stamp-duty.	
47. POLICY OF INSURANCE—*cont.*	If drawn singly.	If drawn in duplicate, for each part.
D.—Life Insurance or other Insurance not specifically provided for, etc.—cont.		
(iii) for every sum insured exceeding Rs. 500 but not exceeding Rs. 1,000 and also for every Rs. 1,000 or part thereof in excess of Rs. 1,000.	Six annas ..	Three annas.
Exemption.		
Policies of life-insurance granted by the Director General of Post Offices in accordance with rules for Postal Life-Insurance issued under the authority of the [1](Central Government).		
E.—Re-Insurance by an Insurance Company, which has granted a *policy* [2](of the nature specified in Division A or Division B of this Article] with another company by way of indemnity or guarantee against the payment on the original insurance of a certain part of the sum insured thereby.	One-quarter of the duty payable in respect of the original insurance but not less than one anna or more than one rupee.	
General Exemption.		
Letter of cover or engagement to issue a policy of insurance:		
Provided that, unless such letter or engagement bears the stamp prescribed by this Act for such policy, nothing shall be claimable thereunder, nor shall it be available for any purpose, except to compel the delivery of the policy therein mentioned.		
48. POWER-OF-ATTORNEY [as defined by Section 2 (21)], not being a *Proxy* (No. 52),—		
(*a*) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents;	Eight annas.	
(*b*) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1882:	Eight annas.	XV of 1882.
(*c*) when authorising one person or more to act in a single transaction other than the case mentioned in clause (*a*):	One rupee.	
(*d*) when authorising not more than five persons to act jointly and severally in more than one transaction or generally:	Five rupees.	

1 Substituted by the Government of India (Adaptation of Indian Laws) Order, 1937, for "Governor-General -in-Council."

2 Substituted by section 2 of Act 43 of 1923, for "Of Sea-Insurance or a Policy of Fire-Insurance."

(*Schedule I—Stamp-duty on Instruments.*)

Description of Instrument.	Proper Stamp-duty.
48. POWER OF ATTORNEY—*cont.*	
(*e*) when authorising more than five but not more than ten persons to act jointly and severally in more than one transaction or generally:	Ten rupees.
(*f*) when giving for conisderation and authorising the attorney to sell any immovable property:	The same duty as a Conveyance (No. 23) for the amount of the consideration.
(*g*) in any other case	One-rupee for each person authorised. *N.B.*—The term "registration" includes every operation incidental to registration under the [1] Indian Registration Act, 1877. (III of 1877.)
Explanation.—For the purposes of this Article), more persons than one when belonging to the same firm shall be deemed to be one person.	
[2][49. PROMISSORY NOTE [as defined by section 2 (22)]—	
(*a*) when payable on demand—	
(i) when the amount or value does not exceed Rs. 250;	One anna.
(ii) when the amount or value exceeds Rs. 250 but does not exceed Rs. 1,000;	Two annas.
(isi) in any other case	Four annas.
(*b*) when payable otherwise than on demand ..	The same duty as a Bill of Exchange (No. 13) for the same amount payable otherwise than on demand.]
50. PROTEST OF BILL OR NOTE, that is to say, any declaration in writing made by a Notary Public, or other person lawfully acting as such, attesting the dishonour of a Bill of Exchange or promissory note.	One rupee.
51. PROTEST BY THE MASTER OF A SHIP, that is to say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses or the calculation of averages and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such.	One rupee.

See also Note of protest by the Master of a Ship (No. 44).

1 *See* now the Indian Registration Act, 1908 (16 of 1908).
2 Substituted by section 2 of Act 43 of 1923, for the original Article.

(*Schedule I—Stamp-duty on Instruments.*)

Description of Instrument.	Proper Stamp-duty.
52. PROXY empowering any person to vote at any one election of the members of a district or local board or of a body of municipal commissioners or at any one meeting of (*a*) members of an incorporated company or other body corporate whose stock of funds is or are divided into shares and transferable, (*b*) a local authority or (*c*) proprietors, members or contributors to the funds of any institution.	[1][Two annas.]
53. RECEIPT [as defined by section 2 (23)] for any money or other property the amount or value of which exceeds twenty rupees.	One anna.

Exemptions.

Receipt—

(*a*) endorsed on or contained in any instrument duly stamped [2][or any instrument exempted] under the proviso to section [3](instruments) executed on behalf of the [3][Government] [4][or any cheque or bill of exchange payable on demand] acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal-money, interest or annuity, or other periodical payment thereby secured;

(*b*) for any payment of money without consideration;

(*c*) for any payment of rent by a cultivator on account of land assessed to Government revenue, or (in the Presidencies of Fort St. George and Bombay) of Inam lands:

(*d*) for pay or allowance by non-commissioned [5][or petty] officers [6][soldiers], [5][sailors] or airmen] of [7] [8][the Indian] military, [5][naval] or air force] when serving in such capacity, or by mounted police-constables;

(*e*) given by holders of family certificates in cases where the person from whose pay or allowances the sum comprised in the receipt has been assigned is a non-commissioned [5][or petty] officer, [9][soldier, [5][sailor] or airman [of [10][any of the said forces] and serving in such capacity;

(*f*) for pensions or allowances by persons receiving such pensions or allowances in respect of their service as such non-commissioned [5][or petty] officers, [6][soldiers, [5][sailors] or airmen], and not serving the [11][Government] in any other capacity:

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1 Substituted by section 2 of Act 43 of 1923, for "one anna."
2 Substituted by section 2 and Schedule I of Act 18 of 1928 for "or exempted."
3 Substituted by the Adaptation of Laws Order, 1950, for "Crown."
4 Inserted by section 2 and Schedule I of Act 18 of 1928.
5 Inserted by section 2 and Schedule of Act 35 of 1934.
6 Substituted by section 2 and Schedule I of Act 10 of 1927, for "or soldiers."
7 Substituted *ibid*, for "Her Majesty's Army or Her Majesty's Indian Army."
8 Substituted by the Adaptation of Law Order 1950 for "His Majesty's."
9 Substituted by section 2 and Schedule I of Act 10 of 1927, for "or soldier."
10 Substituted *ibid*, for "either of the said Armies."
11 Substituted by the Adaptation of Laws Order, 1950, for "Crown."

(*Schedule I—Stamp-duty on Instruments.*)

Description of Instrument.	Proper Stamp-duty.
Exemptions—contd.	
(*g*) given by a headman or lambardar for land-revenue or taxes collected by him ;	
(*h*) given for money or securities for money deposited in the hands of any banker, to be accounted for :	
Provided that the same is not expressed to be received of, or by the hands of, any other than the person to whom the same is to be accounted for :	
Provided also that this exemption shall not extend to receipt or acknowledgment for any sum paid or deposited for, or upon a letter of allotment of a share, or inrespect of a call upon any script or share of, or in, any incorporated company or other body corporate or such proposed or intended company or body or in respect of a debenture being a marketable security.	
[1][*See also* POLICY OF INSURANCE [No. 47-B (2).].]	
54. RE-CONVEYANCE OF MORTGAGED PROPERTY—	
(*a*) if the consideration for which the property was mortgaged does not exceed Rs. 1,000 ;	The same duty as a Conveyance (No. 23) for the amount of such consideration as set forth in the Re-conveyance.
(*b*) in any other case.	Ten rupees.
55. RELEASE, that is to say, any instrument [2][(not being such a release as is provided for by section 23A)] where by a person renounces a claim upon another person or against any specified property—	
(*a*) if the amount or value of the claim does not exceed Rs. 1,000 ;	The same duty as a Bond (No. 15) for such amount or value as set forth in the Release.
(*b*) in any other case	Five rupees.
56. RESPONDENTIA BOND, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination.	The same duty as a Bond (No. 15) for the amount of the loan secured;
REVOCATION OF ANY TRUST OR *Settlement. See Settlenent* (No. 58) ; *Trust* (No. 64).	
57. SECURITY-BOND OR MORTGAGE-DEED executed by way of security for he due execution of office, or to account for money or other property received by virtue thereof or executed by a surety to secure the due performance of a contract,—	
(*a*) when the amount secured does not exceed Rs. 1,000 ;	The same duty as a Bond (No. 15) for the amount secured.
(*b*) in any other case.	Five rupees.

1 Inserted by section 7 of Act 5 of 1906.
2 Inserted by section 8 of Act 15 of 1904.

(Schedule I—Stamp-duty on Instruments.)

Description of Instrument.	Proper Stamp-duty.	
56. SECURITY BOND OR MORTGAGE-DEED.		
Exemptions.		
Bond or other instrument, when executed— (a) by headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, Section 99, for the due performance of their duties under Act;		Ben. Act III of 1876.
(b) by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility shall not be less than a sepcified sum per mensem;		
(c) under No. 3-A of the rules made by the [1][State Government] under section 70 of the Bombay Irrigation Act, 1879;		Bom. Act VII of 1879.
(d) executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists' Loans Act, 1884, or by their sureties, as security for the repayment of such advances;		XIX of 1883. XII of 1884.
(e) executed by officers of [2] [the Government] or their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof.		
58. SETTLEMENT—		
A.—INSTRUMENT OF (including a deed of dower)	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property settled as set forth in such settlement: Provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement, and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed eight annas.	
Exemptions.		
(a) Deed of dower executed on the occasion of a marriage between Muhammadans.		
[3] * * * * * *		
B.—REVOCATION OF	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned as set forth in the Instrument of Revocation but not exceeding ten rupees.	
See also TRUST (No. 64).		

1 Substituted by the Adaptation of Laws Order, 1950, for "Provincial Government."
2 Substituted by the Adaptation of Laws Order, 1950, for "the Crown."
3 Exemption (b) was omitted by the Adaptation of Laws Order, 1937.

(*Schedule I—Stamp-duty on Instruments.*)

Description of Instrument.	Proper Stamp-duty.
VI of 1882. 59. SHARE WARRANTS to bearer issued under the [1] Indian Companies Act, 1882.	[2] [One and a half times] the duty payable on a Conveyance (No. 23) for a consideration equal to the nominal amount of the shares specified in the warrant.
Exemption.	
Share warrant when issued by a Company in pursuance of the [1] Indian Companies Act, 1882, section 30, to have effect only upon payment as composition for that duty, to the Collector of Stamp-revenue, of—	
(*a*) [2] [one and a half] per centum of the whole subscribed capital of the company, or	
(*b*) if any company which has paid the said duty or composition in full subsequently issues an addition to its subscribed capital—[2] [one and a half] per centum of the additional capital so issued.	
SCRIP. See CERTIFICATE (No. 19).	
60. SHIPPING ORDER for or relating to the conveyance of goods on board if any vessel.	One anna.
61. SURRENDER OF LEASE—	
(*a*) when the duty with which the lease is chargeable does not exceed five rupees;	The duty with which such lease is chargeable.
(*b*) in any other case	Five rupees.
Exemption.	
Surrender of lease, when such lease is exempted from duty.	
62. TRANSFER (whether with or without consideration)—	
(*a*) of shares in an incorporated company or other body corporate;	[3] [One-half] of the duty payable on a Conveyance (No. 23) for a consideration equal to the value of the share.
(*b*) of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8;	[3] [One-half] of the duty payable on a Conveyance (No. 23) for a consideration equal to the face amount of the debenture.
(*c*) of any interest secured by a bond, mortgage-deed or policy of insurance—	
(i) if the duty on such bond, mortgage-deed or policy does not exceed five rupees;	The duty with which such bond, mortgage-deed or policy of insurance is chargeable.
(ii) in any other case	Five rupees.

1 *See* now the Indian Companies Act, 1913 (7 of 1913).
2 Substituted by section 3 of Act 6 of 1910, for " three-quarters of ."
3 Substituted *ibid*, for " one-quarter."

(*Schedule I.—Stamp-duty on Instruments.*)

Description of Instrument.	Proper Stamp-duty.
62. TRANSFER—*cont.*	
(*d*) of any property under the [1]Administrator-General's Act, 1874, section 31 ;	Ten rupees. II of 1874.
(*e*) of any trust-property without consideration from one trustee to another trustee or from a trustee to a beneficiary.	Five rupees or such smaller amount as may be chargeable under clauses (*a*) to (*c*) of this Article.
Exemptions.	
Transfers by endorsement—	
(*a*) of a bill of exchange, cheque or promissory note ;	
(*b*) of a bill of lading, delivery order, warrant for goods, or other mercantile document of title to goods ;	
(*c*) of a policy of insurance ;	
(*d*) of securities of the [2] [Central Government].	
See also section 8.	
63. TRANSFER OF LEASE by way of assignment and not by way of under-lease.	The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the consideration for the trahsfer.
Exemption.	
Transfer of any lease exempt from duty.	
64. TRUST—	
A.—DECLARATION OF—of, or concerning, any property when made by any writing not being a WILL.	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned as set forth in the instrument but not exceeding fifteen rupees.
B.—REVOCATION OF—of, or concerning, any property when made by any instrument other than a WILL.	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned as set forth in the instrument but not exceeding ten rupees.
See also SETTLEMENT (No. 58).	
VALUATION. *See Appraisement* (No. 8).	
VAKIL. *See Entry as a Vakil* (No. 30).	
65. WARRANT FOR GOODS, that is to say, any instrument evidencing the title of any person their-in named, or his assigns, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.	Four annas.

1 *See* now the Administrator-General's Act, 1913 (3 of 1913).
2 Substituted by the Government of India Adaptation of Laws Order, 1937, for " Government of India."

[1][SCHEDULE I-A.]

STAMP-DUTY ON CERTAIN INSTRUMENTS UNDER THE MADRAS STAMP (AMENDMENT) ACT, 1922.

[*See* section 3, first proviso.]

Description of Instrument.	Proper Stamp-duty.
[2][* * * * * *]	
‡1. ADMINISTRATION-BOND including a bond given under section 256 of the Indian Succession Act, 1865, section 6 of the Government Savings Banks Act, 1873, section 78 of the Probate and Administration Act, 1881, or section 9 or section 10 of the Succession Certificate Act, 1889— (Central Acts X of 1865, V of 1873, V of 1881 and VII of 1889.)	
(*a*) where the amount does not exceed Rs. 1,000;	The same duty as a bond (No. 13) for such amount.
(*b*) in any other case	Ten rupees.
‡2. ADOPTION-DEED, that is to say, any instrument (other than a will), recording an adoption, or conferring or purporting to confer an authority to adopt.	Fifteen rupees.
ADVOCATE.—*See* Entry as an Advocate (No. 25).	
‡3. AFFIDAVIT, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.	Two rupees.
Exemptions.	
Affidavit or declaration in writing when made—	
(*a*) as a condition of enlistment under the Indian Army Act, 1911; (Central Act VIII of 1911.)	
(*b*) for the immediate purpose of being filed or used in any Court or before the officer of any Court; or	
(*c*) for the sole purpose of enabling any person to receive any pension or charitable allowance.	
*4. AGREEMENT OR MEMORANDUM OF AN AGREEMENT—	
(*a*) if relating to the sale of a bill of exchange;	Three annas.
(*b*) if relating to the sale of a Government security or share in an incorporated company or other body corporate;	Subject to a maximum of fifteen rupees one and a half annas for every Rs. 10,000 or part thereof, of the value of the security or share.
(*c*) if not otherwise provided for	Twelve annas.

1 Inserted by section 13 of the Madras Stamp (Amendment) Act, 1922, Madras Act (VI of 1922).

2 During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if, in Schedule I-A—Article 1 had been renumbered as Article I-A and the following had been inserted as Article I, namely :—

"1 Acknowledgment of a debt exceeding twenty rupees in amount or value written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a banker's pass book) or on a separate piece of paper when such book or paper is left in the creditors' possession; provided that such acknowledgment does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property." — One and half annas.

—Vide section 4 (*d*) (i) of the Madras Act XVI of 1943.

‡ Any instrument described in this Article shall be chargeable with one and a half times the amount if the stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943) and this Article shall be read and construed accordingly—Vide section 3 of the Madras Act XVI of 1943.

(Schedule I-A.—Stamp-duty on certain Instruments.)

Description of Instrument. — Proper stamp-duty.

Exemptions.

Agreement or memorandum of agreement—
(*a*) for or relating to the sale of goods or merchandise exclusively, not being a note or memorandum chargeable under No. 36;

Agreement or memorandum of agreement—
(*b*) made in the form of tenders to the [1] [Central Government] for, or relating to, any loan; [2] [(*C*) * *]

AGREEMENT TO LEASE—
See LEASE (No. 30).

*5. AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE, that is to say, any instrument evidencing an agreement relating to—
(1) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), or

(2) the pawn or pledge of movable property, where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt—
(*a*) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement—

Description of instrument.					Proper stamp-duty. If drawn singly.			If drawn in set of two for each part of the set.			If drawn in set of three for each part of the set.		
				RS.	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.
(i) when the amount of the loan or debt does not exceed			.. ..	200	0	4	6	0	3	0	0	1	6
(ii) when it exceeds Rs. 200 but does not exceed			.. ..	400	0	9	0	0	4	6	0	3	0
	Do.	400	do.	600	0	13	6	0	7	6	0	4	6
	Do.	600	do.	800	1	2	0	0	9	0	0	6	0
	Do.	800	do.	1,000	1	6	6	0	12	0	0	7	6
	Do.	1,000	do.	1,200	1	11	0	0	13	6	0	9	0
	Do.	1,200	do.	1,600	2	4	0	1	2	0	0	12	0
	Do.	1,600	do.	2,500	3	6	0	1	11	0	1	2	0
	Do.	2,500	do.	5,000	6	12	0	3	6	0	2	4	0
	Do.	5,000	do.	7,500	[3] 10	2	0	5	1	0	3	6	0
	Do.	7,500	do.	10,000	13	8	0	6	12	0	4	8	0
	Do.	10,000	do.	15,000	20	4	0	10	2	0	6	12	0
	Do.	15,000	do.	20,000	27	0	0	13	8	0	9	0	0
	Do.	20,000	do.	25,000	33	12	0	16	14	0	11	4	0
	Do.	25,000	do.	30,000	40	8	0	20	4	0	13	8	0
and for every additional Rs. 10,000 or part thereof in excess of Rs. 30,000				..	13	8	0	6	2	0	4	8	0

1 These words were substituted for the words " Government of India " by the Adaptation Order of 1937.
2 This clause was omitted by the Adaptation (Amendment) Order of 1950.
3 These figures were substituted for the figures " 10—0—0 " by section 3 (*a*) of the Madras Stamp (Further Amendment) Act, 1923 (Madras Act VI of 1923).
* Any instrument described in this Article shall be chargeable with twice the amount of stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), that is, before 1st October 1943 and this Article shall be read and construed accordingly—*Vide* section 2 of Madras Act XVI of 1943.

(*Schedule I-A.—Stamp-duty on certain Instruments*)

Description of Instrument.	Proper stamp-duty.
5. AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, ETC.—*cont.*	
(*b*) if such loan or debt is repayable not more than three months from the date of such instrument.	Half the duty payable on a loan or debt under clause (*a*) (i) or clause (*a*) (ii) for the amount secured. [1] [Stamp duty of quarter anna shall be reckoned as half anna and three-quarter anna as one anna.]
Exemption.	
Instrument of pawn or pledge of goods if unattested.	
† 6. APPOINTMENT IN EXECUTION OF A POWER, whether of trustees or of property, movable or immovable, where made by any writing not being a will.	Twenty-five rupees.
* 7. APPRAISEMENT OR VALUATION made otherwise than under an order of the Court in the course of a suit—	
(*a*) where the amount does not exceed Rs. 1,000.	The same duty as a Bottomry Bond (No. 14) for such amount.
(*b*) in any other case	Seven rupees eight annas.
Exemptions.	
(*a*) Appraisement or valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreement or operation of law.	
(*b*) Appraisement of crops for the purpose of ascertaining the amount to be given to a landlord as rent.	
8. APPRENTICESHIP-DEED, including every writing relating to the service or tuition of any apprentice, clerk or servant placed with any master to learn any profession, trade or employment, not being Articles of Clerkship (No. 10).	Seven rupees eight annas.
Exemption.	
Central Act XIX of 1850. Instruments of apprenticeship executed by a Magistrate under the Apprentices Act, 1850, or by which a person is apprenticed by, or at the charge of, any public charity.	
* 9. ARTICLES OF ASSOCIATION OF A COMPANY.	Fifty rupees.
Exemptions.	
Central Act VII of 1913. Articles of any association not formed for profit and registered under section 26 of the Indian Companies Act, 1913.	
See also Memorandum of Association of a Company (No. 32).	

1 These words were inserted by section 3 (*b*) of the Madras Stamp (Further Amendment) Act, 1923 (Madras Act VI of 1923).

* Any instrument described in this Article shall be chargeable with twice the amount of stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), that is before 1st October 1943, and this Article shall be read and construed accordingly—Vide section 2 of Madras Act XVI of 1943.

† Any instrument described in this Article shall be chargeable with one and a half times the amount if the stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943) and this Article shall be read and construed accordingly—Vidé section 3 of Madras Act XVI of 1943.

(*Schedule I-A.—Stamp-duty on certain Instruments.*)

Description of Instrument.	Proper stamp-duty.	
10. ARTICLES OF CLERKSHIP or contract, whereby any person first becomes bound to serve as a clerk in order to his admission as an attorney in any High Court.	Three hundred and seventy-five rupees.	
ASSIGNMENT.—*See* Conveyance (No. 19), transfer (No. 50), and transfer of lease (No. 51), as the case may be.		
ATTORNEY.—*See* Entry as an Attorney (No. 25), and power-of-attorney (No. 40).		
AUTHORITY TO ADOPT.—*See* Adoption-deed (No. 2).		
*11. AWARD, that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit—		
(*a*) where the amount or value of the property to which the award relates, as set forth in such award, does not exceed Rs. 1,000 ;	The same duty as a Bottomry Bond (No. 14) for such amount.	
(*b*) if it exceeds Rs. 1,000 but does not exceed Rs. 5,000 ;	Ten rupees.	
and for every additional Rs. 1,000 or part thereof in excess of Rs. 5,000.	Eight annas subject to a maximum of fifty rupees.	
Exemption.		
Award under the Bombay District Municipal Act, 1901, section 160, or the Bombay Hereditary Offices Act, 1874, section 18.		Bom. Act III of 1901. Bom. Act III of 1874.
12. Bill of lading (including a through bill of lading).	Six annas. *N.B.*—If a bill of lading is drawn in parts, the proper stamp therefor must be borne by each one of the set.	
Exemptions		
(*a*) Bill of lading when the goods therein described are received at a place within the limits of any port, as defined under the Indian Ports Act, 1908, and are to be delivered at another place within the limits of the same port.		Central Act XV of 1908.
[1][(*b*) Bill of lading when executed in a Part B State or out of India and relating to property to be delivered in a Part A State or a Part C State.]		
*13. BOND AS defined by section 2 (5), not being a DEBENTURE (No. 23), and not being otherwise provided for by this Act, or by the Court-fees Act, 1870—		
where the amount or value secured does not exceed Rs. 10 ;	Two annas.	Central Act VII of 1870.
where it exceeds Rs. 10 and does not exceed Rs. 50 ;	Four annas.	

1 This clause was substituted for the original clause by the Adaptation (Amendment) Order of 1950. The original clause was as follows : " Bill of lading when executed out of British India and relating to property to be delivered in India."

*Any instrument described in this Article shall be chargeable with twice the amount of stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), that is before 1st October 1943, and this Article shall be read and construed accordingly—Vide section 2 of Madras Act XVI of 1943.

(Schedule I-A.—Stamp-duty on certain Instruments.)

Description of Instrument.	Proper stamp-duty.
13. BOND—*cont.*	
where it exceeds Rs. 50 and does not exceed Rs. 100;	Eight annas.
where it exceeds Rs. 100 and does not exceed Rs. 200;	One rupee four annas.
where it exceeds Rs. 200 and does not exceed Rs. 300;	One rupee fourteen annas.
where it exceeds Rs. 300 and does not exceed Rs. 400;	Two rupee eight annas.
where it exceeds Rs. 400 and does not exceed Rs. 500;	Three rupees two annas.
where it exceeds Rs. 500 and does not exceed Rs. 600;	Four rupees eight annas.
where it exceeds Rs. 600 and does not exceed Rs. 700;	Five rupees four annas.
where it exceeds Rs. 700 and does not exceed Rs. 800;	Six rupees.
where it exceeds Rs. 800 and does not exceed Rs. 900;	Six rupees twelve annas.
where it exceeds Rs. 900 and does not exceed Rs. 1,000.	Seven rupees eight annas.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Three rupees twelve annas.
See [1][Administration Bond (No. 1)]. Bottomry Bond (No. 14), Customs Bond (No. 22), Indemnity Bond (No. 29), Respondentia Bond (No. 45), Security Bond (No. 46).	

Exemptions.

Ben. Act III of 1876. Bond, when executed by—

(*a*) headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act;

(*b*) any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility, shall not be less than a specified sum per mensem.

* 14. BOTTOMRY BOND, that is to say, any instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage—	
where the amount or value secured does not exceed Rs. 10;	Three annas.
where it exceeds Rs. 10 and does not exceed Rs. 50;	Six annas.

1 During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if, for the entry "Administration Bond (No. 1)" the entry "Administration Bond No. (1-A)" had been substituted—Vide section 4 (*d*) (ii) of the Madras Act XVI of 1943.

* Any instrument described in this Article shall be chargeable with twice the amount of stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase of Duties) Act, 1943, (Madras Act XVI of 1943), that is before 1st October 1943, and this Article shall be read and construed accordingly—Vide section 2 of Madras Act XVI of 1943.

(Schedule I-A.—Stamp duty on certain Instruments)

Description of Instrument.	Proper Stamp duty.
EXEMPTIONS—*cont.*	
where it exceeds Rs. 50 and does not exceed Rs. 100 ;	Twelve annas.
where it exceeds Rs. 100 and does not exceed Rs. 200 ;	One rupee eight annas.
where it exceeds Rs. 200 and does not exceed Rs. 300 ;	Two rupees four annas.
where it exceeds Rs. 300 and does not exceed Rs. 400 ;	Three rupees.
where it exceeds Rs. 400 and does not exceed Rs. 500 ;	Three rupees twelve annas.
where it exceeds Rs. 500 and does not exceed Rs. 600 ;	Four rupees eight annas.
where it exceeds Rs. 600 and does not exceed Rs. 700 ;	Five rupees four annas.
where it exceeds Rs. 700 and does not exceed Rs. 800.	Six rupees.
where it exceeds Rs. 800 and does not exceed Rs. 900 ;	Six rupees twelve annas.
where it exceeds Rs. 900 and does not exceed Rs. 1,000 ;	Seven rupees eight annas.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Three rupees twelve annas.
* 15. CANCELLATION.—Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.	Seven rupees eight annas.
See also RELEASE (No. 44), Revocation of Settlement (No. 47-B), Surrender of Lease (No. 49), Revocation of Trust (No. 52-B).	
* 16. CERTIFICATES OF SALE (in respect of each property put up as a separate lot and sold), granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Collector or other Revenue officer—	
(*a*) where the purchase-money does not exceed Rs. 10 ;	Three annas.
(*b*) where the purchase-money exceeds Rs. 10 but does not exceed Rs. 25 ;	Six annas.
(*c*) in any other case	The same duty as a Conveyance (No. 19) for a consideration equal to the amount of the purchase-money only.

1[ ].

* Any instrument described in this Article shall be chargeable with twice the amount of stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (increase of Duties) Act, 1943 (Madras Act XVI of 1943), that is before 1st October 1943, and this Article shall be read and construed accordingly—vide section 2 of Madras Act XVI of 1943.

1 During the continuance of the Madras Stamps (Increase of Duties) Act, 1943 (Madras Act XVI of 1943, the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if, in Schedule 1-A, after Article 16, the following Article and entry had been inserted, namely :—

" 16-A. Certificate or other Document evidencing the right or title of the holder thereof, or any other person, either to any shares, scrip or stock in or of any incorporated company or other body corporate or to become proprietor of shares, scrip or stock in or of any such company or body."	" Three annas ."

See also Letter of Allotment of Shares (No. 30-A).
Vide section 4 (*d*) (iii) of the Madras Act XVI of 1943.

(*Schedule I-A.—Stamp duty on certain Instruments*).

Description of Instrument.	Proper Stamp-duty.
† 17. CHARTER PARTY, that is to say, any instrument (except an agreement for the hire of a tug-steamer), whereby a vessel or some specified principal part thereof is let for the specified purposes of the charterer, whether it includes a penalty clause or not.	Two rupees.
† 18. COMPOSITION-DEED, that is to say, any instrument executed by a debtor, whereby he conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letters of licence, for the benefit of his creditors.	Fifteen rupees.
* 19. CONVEYANCE [as defined by section 2 (10), not being a Transfer charged or exempted under No. 50]—	
where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 50 ;	Twelve annas.
where it exceeds Rs. 50 but does not exceed Rs. 100 ;	One rupee eight annas.
where it exceeds Rs. 100 but does not exceed Rs. 200 ;	Three rupees.
where it exceeds Rs. 200 but does not exceed Rs. 300 ;	Four rupees eight annas.
where it exceeds Rs. 300 but does not exceed Rs. 400. ;	Six rupees.
where it exceeds Rs. 400 but does not exceed Rs. 500 ;	Seven rupees eight annas.
where it exceeds Rs. 500 but does not exceed Rs. 600 ;	Nine rupees.
where it exceeds Rs. 600 but does not exceed Rs. 700 ;	Ten rupees eight annas.
where it exceeds Rs. 700 but does not exceed Rs. 800 ;	Twelve rupees.
where it exceeds Rs. 800 but does not exceed Rs. 900 ;	Thirteen rupees eight annas.
where it exceeds Rs. 900 but does not exceed Rs. 1,000 ;	Fifteen rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Seven rupees eight annas.

Exemptions.

Central Act III of 914. Assignment of copyright under the Indian Copyright Act, 1914, section 5.

CO-PARTNERSHIP DEED.—*See* Partnership (No. 39).

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* Any instrument described in this Article shall be chargeable with twice the amount of stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), that is, before 1st October 1943 and this Article shall be read and construed accordingly—vide section 2 of Madras Act XVI of 1943.

† Any instrument described in this Article shall be chargeable with one and a half times the amount if the stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943) and this Article shall be read and const rued accordingly—Vide section 3 of the Madras Act XVI of 1943,

(*Schedule I-A.—Stamp duty on certain Instruments*).

Description of Instrument.	Proper Stamp-duty.
* 20. COPY OR EXTRACT, certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court-fees—	
(i) if the original was not chargeable with duty, or if the duty with which it was chargeable does not exceed one rupee ;	Twelve annas.
(ii) in any other case	One rupee eight annas.
Exemptions.	
(*a*) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.	
(*b*) Copy of, or extract from, any register relating to births, baptisms, namings, dedications, marriages, divorces, deaths or burials.	
21. COUNTERPART OR DUPLICATE of any instrument, chargeable with duty and in respect of which the proper duty has been paid—	
(*a*) if the duty with which the original instrument is chargeable does not exceed [1] [one rupee eight annas] ;	The same duty as is payabale on the original.
(*b*) in any other case	[1] [One rupee eight annas].
Exemption.	
Counterpart of any lease granted to a cultivator, when such lease is exempted from duty.	
* 22. CUSTOMS-BOND—	
(*a*) where the amount does not exceed Rs. 1,000.	The same duty as a Bottomry Bond (No. 14) for such amount.
(*b*) in any other case	Ten rupees.
* 23. DEBENTURE (whether a mortgage debenture or not), being a marketable security transferable—	
(*a*) by endorsement or by a separate instrument of transfer ;	The same duty as a Bottomry Bond (No. 14) for the same amount.
(*b*) by delivery	The same duty as a Conveyance (No. 19) for a consideration equal to the face amount of the debenture.
Explanation.—The term "Debenture" includes any interest coupons attached thereto, but the amount of such coupons shall not be included in estimating the duty.	
Exemption.	
A debenture issued by an incorporated company or other body corporate in terms of a registered mortgage-deed, duly stamped in respect of the full amount of debentures to be issued thereunder, whereby the company or body borrowing makes over, in whole or in part, their property to trustees for the benefit of the debenture-holders ; provided that the debentures so issued are expressed to be issued in terms of the said mortgage deed.	

1 During the continuance of the Madras stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943) the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if, for the words "one rupee eight annas" the words "three rupees" had been substituted—Vide section 4 (*d*) (iv) of the Madras Act XVI of 1943.

* Any instrument described in this Article shall be chargeable with twice the amount of stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamps (Increase of Duties) Act, 1943 (Maras Act XVI of 1943), that is, before 1st October 1943, and this Article shall be read and construed accordingly—Vide section 2 of Madras Act XVI of 1943.

(*Schedule I-A.—Stamp duty on certain Instruments*).

Description of Instrument.	Proper Stamp-duty.
See also Bond (No. 13) and sections 8 and 55. DECLARATION OF ANY TRUST.—*See* TRUST (No. 52).	
[1] [. . .].	
DEPOSIT OF TITLE-DEEDS.—*See* Agreement relating to Deposit of Title-deeds, Pawn or Pledge (No. 5).	
DISSOLUTION OF PARTNERSHIP.—*See* Partnership (No. 39).	
‡ 24. DIVORCE.—Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.	Two rupees.
DOWER.—Instrument of. *See* Settlement (No. 47).	
DUPLICATE.—*See* Counterpart (No. 21).	
25. ENTRY AS AN ADVOCATE, [2] [VAKIL] OR ATTORNEY ON THE ROLL OF ANY HIGH COURT, [3] [under the Indian Bar Councils Act, 1926, or] in, exercise of powers conferred on such Court by Letters Patent or by the Legal Practitioners Act, [4] [1884]—	
[5] [(*a*) in the case of an Advocate or Vakil ;	Six hundred and twenty-five rupees.
(*b*) in the case of an Attorney	Three hundred and twelve rupees eight annas.
Exemption.	
Entry of an Advocate, Vakil or Attorney on the roll of any High Court, when he has previously been enrolled in a High Court].	

1 During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if, before the entry relating to Deposit of Title Deeds, the following Article had been inserted, namely :—

"23-A. *Delivery Order in respect of goods*, that is to say, any instrument entitling any person therein named, or his assigns or the holder thereof, to the delivery of any goods lying in any dock or port or in any warehouse in which goods are stored or deposited on rent or hire, or upon any wharf, such instrument being signed by or on behalf of the owner of such goods, upon the sale or transfer of the property therein, which such goods exceed in value twenty rupees." Vide section 4 (*d*) (*v*) of the Madras Act XVI of 1943.

2 During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if the word ' Vakil,' had been omitted —Vide section 4 (*d*) (vi) of the Madras Act XVI of 1943.

3 These words were inserted by the Schedule to the Indian Bar Councils Act, 1926 (Central Act XXXVIII of 1926).

4 During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943) the Indian Stamp Act, 1889 (Central Act II of 1899), shall have effect as if the figure "1870" had been substituted—Vide section 4 (*d*) (*vi*) of the Madras Act XVI of 1943.

5 During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), the Indian Stamp Act, 1899 Central Act II of 1899), shall have effect, as if for clauses (*a*) and (*b*) and the Exemption, the following clauses and Exemptions had been substituted, namely :—

"(*a*) in the case of an Advocate	Six hundred and twenty-five rupees, or if previously enrolled as an Attorney in the same or any other High Court, three hundred and twelve rupees eight annas.
(*b*) in the case of an Attorney	Three hundred and twelve rupees eight annas.

Exemptions—

(*a*) Entry as an Advocate on the roll of any High Court when he has been previously enrolled as a vakil in the same High Court or as an advocate or vakil in any other High Court.

(*b*) Entry as an Attorney on the roll of any High Court when he has been previously enrolled as an Advocate or vakil in the same High Court or as an Advocate, vakil or Attorney in any other High Court—Vide section 4 (*d*) (vi) of the Madras Act XVI of 1943.

(*Schedule I-A.—Stamp duty on certain Instruments*).

Description of Instrument.	Proper stamp-duty.
* 26. EXCHANGE OF PROPERTY.—Instrument of.	The same duty as a Conveyance (No. 19) for a consideration equal to the value of the property of [1] (greater value) as set forth in such instrument.
EXTRACT.—*See* Copy (No. 20).	
* 27. FURTHER CHARGE.—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—	
(*a*) when the original mortgage is one of the description referred to in clause (*a*) of Article No. 33 (that is, with possession;)	The same duty as a Conveyance (No. 19) for a consideration equal to the amount of the further charge secured by such instrument.
(*b*) when such mortgage is one of the description referred to in clause (*b*) of Article No. 33 (that is, without possession)—	
(i) if at the time of execution of the instrument of further charge possession of the property is given or agreed to be given under such instrument ;	The same duty as a Conveyance (No. 19) for a consideration equal to the total amount of the charge (including the original mortgage and may further charge already made), less the duty already paid on such original mortgage and further charge.
(ii) if possession is not so given	The same duty as a Bottomry Bond (No. 14) for the amount of the further charge secured by such instrument.
* 28. GIFT.—Instrument of, not being a Settlement (No. 47), or Will or Transfer (No. 50).	The same duty as a Conveyance (No. 19) for a consideration equal to the value of the property as set forth in such instrument.
HIRING AGREEMENT OR agreement for service. *See* Agreement (No. 4).	
*29. INDEMNITY-BOND	The same duty as a Security Bond (No. 46) for the same amount.
INSPECTORSHIP-DEED.—*See* Composition-deed (No. 18).	
*30. LEASE, including an under-lease or sub-lease and any agreement to let or sublet—	
(*a*) where by such lease the rent is fixed and no premium is paid or delivered—	
(i) where the lease purports to be for a term of less than one year ;	The same duty as a Bottomry Bond (No. 14) for the whole amount payable or deliverable under such lease.
(ii) where the lease purports to be for a term of not less than one year, but not more than five years ;	The same duty as a Bottomry Bond (No. 14) for the amount or value of the average annual rent reserved.
(iii) where the lease purports to be for a term exceeding five years and not exceeding ten years ;	The same duty as a Conveyance (No. 19) for a consideration equal to the amount or value of the average annual rent reserved.

1 These words were substituted for the words "greatest value" by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

* Any instrument described in this Article shall be chargeable with twice the amount of stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), that is before 1st October 1943, and this Article shall be read and construed accordingly—*Vide* section 2 of Madras Act XVI of 1943.

(*Schedule I-A.—Stamp duty on certain Instruments*).

Description of Instrument.	Proper stamp-duty.
30. LEASE—*cont.*	
(*a*) where by such lease the rent is fixed and no premium is paid or delivered—*cont.*	
(iv) where the lease purports to be for a term exceeding ten years, but not exceeding twenty years;	The same duty as a Conveyance (No. 19) for a consideration equal to twice the amount or value of the average annual rent reserved.
(v) where the lease purports to be for a term exceeding twenty years, but not exceeding thirty years;	The same duty as a Conveyance (No. 19) for a consideration equal to three times the amount or value of the average annual rent reserved.
(vi) where the lease purports to be for a term exceeding thirty years, but not exceeding one hundred years;	The same duty as a Conveyance (No. 19) for a consideration equal to four times the amount or value of the average annual rent reserved.
(vii) where the lease purports to be for a term exceeding one hundred years or in perpetuity;	The same duty as a Conveyance (No. 19) for a consideration equal to one-sixth of the whole amount of rents which would be paid or delivered in respect of the first fifty years of the lease.
(viii) where the lease does not purport to be for any definite term;	The same duty as a Conveyance (No. 19) for a consideration equal to three times the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.
(*b*) where the lease is granted for a fine or premium, or for money advanced and where no rent is reserved;	The same duty as a Conveyance (No. 19) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.
(*c*) where the lease is granted for a fine or premium, or for money advanced in addition to rent reserved.	The same duty as a Conveyance (No. 19) for a consideration equal to the amount or value of such fine or premium, or advance as set forth in the lease, in addition to the duty which would have been payable on such lease, if no fine or premium or advance had been paid or delivered:
	Provided that, in any case when an agreement to lease is stamped with the *ad valorem* stamp required for a lease, and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed twelve annas.

Exemption.

(*a*) Lease, executed in the case of a cultivator and for the purposes of cultivation (including a lease of trees for the production of food or drink), without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees.

(*Schedule I-A.—Stamp duty on certain Instruments*).

Description of Instrument.	Proper stamp-duty.	
[1][(*b*) . . . . . .]		
Explanations.—When a lessee undertakes to pay any recurring charge, such as Government revenue, the landlord's share of cesses, or the owner's share of municipal rates or taxes, which is by law recoverable from the lessor, the amount so agreed to be paid by the lessee shall be deemed to be part of the rent.		
[2][. . . . . .]		
LETTER OF GUARANTEE.—*See* Agreement (No. 4).		
† 31. LETTER OF LICENCE, that is to say, any agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.]	Fifteen rupees.	
* 32. MEMORANDUM OF ASSOCIATION OF A COMPANY—		
(*a*) if accompanied by articles of association under section 17 of the Indian Companies Act, 1913.	Thirty rupees.	Central Act VII of 1913.
(*b*) If not so accompanied	Eighty rupees.	
Exemptions.		
Memorandum of any association not formed for profit and registered under section 26 of the Indian Companies Act, 1913.		Central Act VII of 1913.
* 33. MORTGAGE-DEED, not being an Agreement relating to Deposit of Title-deeds, Pawn or Pledge (No. 5), Bottomry Bond (No. 14), Mortgage of a Crop (No. 34), Respondentia Bond (No. 45), or Security Bond (No. 46)—		
(*a*) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given;	The same duty as a Conveyance (No. 19) for a consideration equal to the amount secured by such deed.	
(*b*) when possession is not given or agreed to be given as aforesaid;	The same duty as a Bottomry Bond (No. 14) for the amount secured by such deed.	
[3] *Explanation.*—A mortgagor who gives or has given to the mortgagee a power-of-attorney to collect rents, or gives or has given to the mortgagee a lease, of the property mortgaged or part thereof, is deemed to give possession thereof within the meaning of this article;		

1 Clause (*b*) of the exemptions under Article 30 was omitted by the Adaptation Order of 1937.

2 During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943) the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if before the entry relating to *Letter of Guarantee*, the following Article and entry had been inserted, namely:—

"30-A. *Letter of Allotment of Shares* in any company or proposed Company, or in respect of any loan to be raised by any Company or proposed Company. *See* also *Certificate or other document* (No. 16-A)"—Vide section 4 (*d*) (vii) of the Madras Act XVI of 1943. — Three annas.

3 This Explanation was substituted for the original by section 2 of the Madras Stamp (Second Amendment) Act, 1950 (Madras Act XXV of 1950).

* Any instrument described in this Article shall be chargeable with twice the amount of stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943) that is, before 1st October 1943, and this Article shall be read and construed accordingly—Vide section 2 of Madras Act XVI of 1943.

† Any instrument described in this Article shall be chargeable with one and a half times the amount if the stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943) and this Article shall be read and construed accordingly—Vide section 3 of Madras Act XVI of 1943.

Schedule I-A.—Stamp duty on certain Instruments.

Description of Instrument.	Proper Stamp-duty.
33. MORTGAGE DEED—*cont.*	
(c) when a collateral or auxiliary or additional or substituted security, or by way of further assurance for the abovementioned purpose where the principal or primary security is duly stamped—	
for every sum secured not exceeding Rs. 1,000 ;	Twelve annas.
and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000.	Do.
Exemptions.	
Central Acts XIX of 1883 XII of 1884. (1) Instruments executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists Loans Act, 1884 or by their sureties as security for the repayment of such advances.	
(2) Letter of hypothecation accompanying a bill of exchange.	
* 34. MORTGAGE OF A CROP, including any instrument evidencing an agreement to secure the repayment of loan made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the mortgage—	
(a) When the loan is repayable not more than three months from the date of the instrument—	
for every sum secured not exceeding Rs. 200 ;	Two annas.
and for every Rs. 200 or part thereof secured in excess of Rs. 200 ;	Do.
(b) when the loan is repayable more than three months, but not more than eighteen months from the date of the instrument—	
for every sum secured not exceeding Rs. 100 ;	Three annas.
and for every Rs. 100 or part thereof secured in excess of Rs. 100.	Do.
† 35. NOTARIAL ACT, that is to say, any instrument, endorsement, note, attestation, certificate, or entry not being a PROTEST (No. 41) made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public.	One rupee eight annas.
See also Protest of Bill or Note (No. 41).	
* 36. NOTE OR MEMORANDUM sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal—	
(a) of any goods exceeding in value twenty rupees ;	Three annas.

* Any instrument described in this Article shall be chargeable with twice the amount of stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), that is, before 1st October 1943, and this Article shall be read and construed accordingly—*Vide* section 2 of Madras Act XVI of 1943.

† Any instrument described in the Article shall be chargeable with one and a half times the amount if the stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase of Duties) Act 1943 (Madras Act XVI of 1943) and this Article shall be read and construed accordingly—Vide section 3 of the Madras Act XVI of 1943.

(*Schedule I.A.—Stamp duty on certain Instruments.*)

Description of Instruments.	Proper Stamp-duty.
36. NOTE OR MEMORANDUM—*cont.*	
(*b*) of any stock or marketable security exceeding in value twenty rupees.	Subject to a maximum of fifteen rupees, two annas for every Rs. 10,000 or part thereof of the value of the stock or security.
37. NOTE OF PROTEST BY THE MASTER OF A SHIP.—*See* also Protest by the Master of a ship (No. 42).	One rupee.
* 38. PARTITION.—Instrument of [as defined by section 2 (15)].	The same duty as a Bottomry Bond (No. 14) for the amount of the value of the separated share or shares of the property. *N.B.*—The largest share remaining after the property is partitioned (or if there are two or more shares of equal value and not smaller than any of the other shares, then one of such equal shares) shall be deemed to be that from which the other shares are separated : Provided always that— (*a*) when an instrument of partition containing an agreement to divide property in severalty is executed and partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than twelve annas. (*b*) where land is held on Revenue Settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated [1][at twenty-five times] the annual revenue ; (*c*) where a final order for effecting a partition passed by any Revenue authority or any civil court, or an award by an arbitrator directing a partition is stamped with the stamp required for an instrument of partition, and an instrument of partition in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed twelve annas.

1 These words were substituted for the words "at not more than five times" by section 2 of the Madras Stamp (Amendment) Act, 1950 (Madras Act VI of 1950).

* Any instrument described in this Article shall be chargeable with twice the amount of atamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase or Duties) Act, 1943, (Madras Act XVI of 1943) that is. before 1st October 1943, and this Article shall be read and construed ascordingly,—Vide section 2 of Madras Act XVI of 1943.

(*Schedule I-A.—Stamp duty on certain Instruments*).

Description of Instruments.	Proper Stamp-duty.
* 39. PARTNERSHIP—	
A.—Instrument of—	
(*a*) where the capital of the partnership does not exceed Rs. 500 ;	Five rupees.
(*b*) in any other case	Twenty rupees.
B.—Dissolution of—	Ten rupees.
PAWN OR PLEDGE.—*See* Agreement relating to Deposit of Title-deeds, Pawn or Pledge (No. 5).	
40. POWER-OF-ATTORNEY [as defined by section 2 (21)] not being a Proxy—	
(*a*) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents ;	Twelve annas.
Central Act XV of 1882. † (*b*) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1882 ;	Do.
(*c*) when authorizing one person or more to act in a single transaction other than the case mentioned in clause (*a*) ;	One rupee eight annas.
† (*d*) when authorizing not more than five persons to act jointly and severally in more than one transaction or generally ;	Seven rupees eight annas.
† (*e*) when authorizing more than five but not more than ten persons to act jointly and severally in more than one transaction or generally ;	Fifteen rupees.
* (*f*) when given for consideration and authorizing the attorney to sell any immovable property ;	The same duty as a Conveyance (No. 19) for the amount of the consideration.
† (*g*) in any other case	One rupee eight annas for each person authorized.
Central Act XVI of 1908.	*N.B.*—The term "Registration" includes every operation incidental to registration under the Indian Registration Act, 1908.
Explanation.—For the purposes of this article, more persons than one when belonging to the same firm shall be deemed to be one person.	
41. PROTEST OF BILL OR NOTE, that is to say, any declaration in writing made by a Notary Public, or other person lawfully acting as such, attesting the dishonour of a bill of exchange or promissory note.	Two rupees.
42. PROTEST BY THE MASTER OF A SHIP, that is to say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses or the calculation of averages, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such.	Do.

* Any instrument described in this Article shall be chargeable with twice the amount of stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), that is, before 1st October 1943. and this Article shall be read and constsrued accordingly—vide section 2 of Madras Act XVI of 1943.

† Any Instrument ih this Article shall be chargeable with one and a half times the amount if the stamp duty with which such instrument was chargeable immediately before the passing of the Madras stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943) and the Article shall be read and Con Strued accordingly—Vide section 3 of the Madras Act XVI of 1943.

(*Schedule I-A—Stamp duty on cartain Instruments*).

Description of Instruments.	Proper Stamp-duty.
See also Note of Protest by the Master of a ship (No. 37).	
* 43. RECONVEYANCE OF MORTGAGED PROPERTY—	
(*a*) if the consideration for which the property was mortgaged does not exceed Rs. 1,000 ;	The same duty as a Conveyance (No. 19) for the amount of such consideration as set forth in the reconveyance.
(*b*) in any other case	Fifteen rupees.
* 44. RELEASE, that is to say, any instrument (not being such a release as is provided for by section 23-A), whereby a person renounces a claim upon another person or against any specified property—	
(*a*) if the amount or value of the claim does not exceed Rs. 1,000 ;	The same duty as a Bottomry Bond (No. 14) for such amount or value as set forth in the release.
(*b*) in any other case	Seven rupees eight annas.
* 45. RESPONDENTIA BOND, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination.	The same duty as a Bottomry Bond (No. 14) for the amount of the loan secured.
REVOCATION OF ANY TRUST OR SETTLEMENT—	
See Settlement (No. 47) ; Trust (No. 52).	
* 46. SECURITY BOND OR MORTGAGE DEED, executed by way of security for the due execution of an office, or to account for money or other property received by virtue thereof, or executed by a surety to secure the due performance of a contract—	
(*a*) when the amount secured does not exceed Rs. 1,000 ;	The same duty as a Bottomry Bond (No. 14) for the amount secured.
(*b*) in any other case	Seven rupees eight annas.

Exemptions.

Bond or other instrument, when executed—

(*a*) by headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act ; Ben. Act III of 1876.

(*b*) by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital, or any other object of public utility, shall not be less than a specified sum per mensem ;

* Any instrument described in this Article shall be chargeable with twice the amount of stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase of Duties) Act 1943 (Madras Act XVI of 1943). that is before 1st October 1943, and this Article shallbe read and construed accordingly—Vide section 2 of Madras Act XVI of 1943.

(*Schedule I-A—Stamp duty on certain Instruments.*)

Description of Instruments.	Proper Stamp-duty.
Exemptions—cont.	
(*c*) under No. 3-A of the rules made by the [1][State Government of Bombay] under section 70 of the Bombay Irrigation Act, 1879 ;	
(*d*) executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists' Loans Act, 1884, or by their sureties, as security for the repayment of such advances ;	
(*e*) executed by officers of Government or their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof.	
* 47. SETTLEMENT—	
A.—Instrument of (including a deed of dower).	The same duty as a Bottomry Bond (No. 14) for a sum equal to the amount or value of the property settled as set forth in such settlement : Provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement, and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed twelve annas.
Exemptions.	
(*a*) Deed of dower executed on the occasion of a marriage between Muhammadans.	
[2][(*b*)	. . . .]
B.—Revocation of—	The same duty as a Bottomry Bond (No. 14) for a sum equal to the amount or value of the property concerned, as set forth in the instrument of Revocation, but not exceeding fifteen rupees.
See also Trust (No. 52).	
* 48. SHARE WARRANTS to bearer issued under the Indian Companies Act, 1913.	One-and-a-half times the duty payable on a Conveyance (No. 19) for a consideration equal to the nominal amount of the shares specified in the warrant.

Margin notes: Bom. Act VII of 1879. Central Act XIX of 1883. Central Act XII of 1884. Central Act VII of 1913.

1 The words " Provincial Government of Bombay " were substituted for the words " Governor of Bombay in Council " by the Adaptation Order of 1937, and the word " State " was substituted for " Provincal " by the Adaptation Order of 1950.

2 Clause (*b*) of the exemptions under Division A of Article 47 was omitted by the Adaption Order of 1937.

* Any instrument described in this Article shall be chargeable with twice the amount of stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act, XVI of 1943) that is, before 1st October 1943, and this article shall be read and construed accordingly—Vide section 2 of Madras Act XVI of 1943.

(*Schedule I-A.—Stamp dutg on certain In truments*).

Description of Instruments.	Proper Stamp-duty.
Exemptions.	
Share warrant when issued by a company in pursuance of the Indian Companies Act, 1913, section 43, to have effect only upon payment, as composition for that duty, to the Collector of Stamp-revenue of—	
(*a*) one-and-a-half per centum of the whole subscribed capital of the company ; or	
(*b*) If any company which has paid the said duty or composition in full, subsequently issues an addition to its subscribed capital one-and-a-half per centum of the additional capital so issued.	
[1][. . . . .]	
49. SURRENDER OF LEASE—	
(*a*) when the duty with which the lease is chargeable does not exceed [2][seven rupees eight annas] ;	The duty with which such lease is chargeable.
(*b*) in any other case	[2][Seven rupees eight annas.]
Exemption.	
Surrender of lease, when such lease is exempted from duty.	
50. TRANSFER (whether with or without consideration)—	
* (*a*) of shares in an incorporated company or other body corporate ;	One-half of the duty payable on a Conveyance (No. 19) for a consideration equal to the value of the share.
* (*b*) of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8 ;	One-half of the duty payable on a Conveyance (No. 19) for a consideration equal to the face amount of the debenture.
(*c*) of any interest secured by a bond, mortgage deed or policy of insurance,—	
(i) if the duty on such bond, mortgage deed or policy does not exceed [3][[4] seven rupees eight annas] ;	The duty with which such bond, mortgage deed or policy of insurance is chargeable.
(ii) in any other case	[3][Seven rupees eight annas.]

Central Act VII of 1913.

1 During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if, after Article 48, the following entry and Article had been inserted, namely :—

"Scrip. *See* Certificate (No. 16-A).

48-A. *Shipping.*—Order for or relating to the conveyance of goods on board of any vessel."—vide section 4 (*d*) (viii) of the Madras Act XVI of 1943. } One and a half anna";

2 During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if, for the words "seven rupees eight annas" the words "fifteen rupees" had been substituted.—Vide section 4 (*d*) (ix) of the Madras Act XVI of 1943.

3 These words were substituted for the words "five rupees" by section 3 (*c*) of the Madras Stamp (Further Amendment) Act, 1923 (Madras Act VI of 1923).

4 During the continuance of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), the Indian Stamp Act, 1899 (Central Act II of 1899) shall have effect as if, for the words "seven rupees eight annas", the words "fifteen rupees" had been instituted—Vide section 4 (*d*) (x) of the Madras Act XVI of 1943.

* Any instrument descsibed in this Article shals be chargeable with twice the amount of stamp duty with which such instrument was chargeable immediately before the passing of the Madras stamp (Increase of Duties) Act, 1943 (Madras Act, XVI of 1943, that is before 1st October 1943, and this article shall be read and construed accordingly—vide section 2 of Madras Act XVI of 1943.

(*Schedule I-A.—Stamp duty on certain Instruments*).

Description of Instruments.	Proper Stamp-duty.
Central Act III of 1943. 50. TRANSFER—*cont.*	
*(*d*) of any property under the Administrator-General's Act, 1913, section 25 ;	Fifteen rupees.
* (*e*) of any trust-property from one trustee to another trustee, or from a trustee to a beneficiary.	Seven rupees eight annas or such smaller amount as may be chargeable under clauses (*a*) to (c) of this article.

Exemptions.

Transfers by endorsement—

(*a*) of a bill of exchange, cheque or promissory note ;

(*b*) of a bill of lading, delivery order, warrant for goods, or other mercantile document of title to goods ;

(*c*) of a policy of insurance ;

(*d*) of securities of the [1][Central Government].

See also section 8.

† 51. TRANSFER OF LEASE by way of assignment, and not by way of under-lease.	The same duty as a Conveyance (No. 19) for a consideration equal to the amount of the consideration for the transfer.

Exemption.

The transfer of any lease exempt from duty.

† 52. TRUST—	
A.—DECLARATION OF—of, or concerning, any property when made by any writing not being a Will.	The same duty as a Bottomry Bond (No. 14) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding twenty-two rupees eight annas.
B.—REVOCATION OF—of, or concerning, any property when made by any instrument other than a Will.	The same duty as a Bottomry Bond (No. 14) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding fifteen rupees.

See also Settlement (No. 47).

VALUATION.—*See* Appraisement (No. 7).

VAKIL.—*See* Entry as a Vakil (No. 25).

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1 These words were substituted for the words " Government of India " by the Adaptation Order of 1937.

* Any instrument described in the Article shall be chargeable with one and a half times the amount if the stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), and this Article shall be read and construed accordingly—Vide section 3 of the Madras Act XVI of 1943.

† Any instrument described in this Article shall be chargeable with twice the amount of stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), that is before 1st October 1943, and this Article shall be read and construed accordingly—Vide section 2 of Madras Act XVI of 1943.

(*Schedule I-A.—Stamp duty on certain Instruments*).

Schedule II.)

Description of Instruments.	Proper Stamp-duty.
* 53. WARRANT FOR GOODS, that is to say, any instrument evidencing the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.	Six annas.

SCHEDULE II [ENACTMENTS REPEALED].—REPEALED BY SECTION 3 AND SCHEDULE II OF THE REPEALING AND AMENDING ACT, 1914 (10 OF 1914).

* Any instrument described in this Article shall be chargeable with twice the amount of stamp duty with which such instrument was chargeable immediately before the passing of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act, XVI of 1943), that is, before 1st October 1943, and this Article shall be raed and construed accordingly—Vide section 2 of Madras Act XVI of 1943.

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